

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ROBERT LEE ALLEN, )  
Plaintiff, )  
V. )  
SHERIFF WILLIE VAUGHNER, et al., )  
Defendants. )**

**Civil Action No. 2:07-cv-85-WKW-WC**

**DEFENDANTS' SPECIAL REPORT AND ANSWER**

COME NOW Willie Vaughner, Sheriff of Lowndes County, Alabama, and Lowndes County, Alabama Sheriff's Office Captain Laura Gresham, the Defendants in the above-styled cause, and, in response to the Plaintiff's Complaint, submit their Special Report and Answer to the Court.

**I. INTRODUCTION**

The Plaintiff in this action, Robert Lee Allen, has been incarcerated on more than one occasion in the Lowndes County Jail. The incarceration from which his lawsuit arises began on August 8, 2006 when he was arrested for Receiving Stolen Property in the First Degree. The Plaintiff was released from the Lowndes County Jail on October 10, 2007 to the custody of the Autauga County Sheriff's Office due to the fact that a "hold" had been placed upon him by the district court of Autauga County, Alabama due to criminal charges brought against him there. The Plaintiff was returned to the Lowndes County Jail in January, 2007. (See Exhibit 1, Alabama Uniform Arrest Report, Consolidated Appearance Bond, Request for Hold, Order for Inmate Return, and Alabama Uniform Arrest Report noting Release.)

## **II. PLAINTIFF'S ALLEGATIONS**

The Plaintiff in this matter alleges that the Defendants violated his constitutional rights by forcing him to eat unclean and spoiled food, denying him medical treatment, and subjecting him to unconstitutional conditions including unclean living conditions, no hot water for showers, and no outdoor exercise.

## **III. DEFENDANTS' RESPONSE TO THE PLAINTIFF'S ALLEGATIONS**

The Defendants, Sheriff Willie Vaughner and Captain Laura Gresham, deny the allegations made against them by the Plaintiff as being untrue, and completely without basis in law or fact. The Defendants deny that they acted, or caused anyone to act, in such a manner as to deprive the Plaintiff of any right to which he was entitled.

It is the policy of the Lowndes County Sheriff's Office that inmates in the Lowndes County Jail be given a clean, wholesome, and balanced diet in order to maintain their physical health during the time they are incarcerated in the jail. Members of the jail staff are charged with overseeing the production of food in the jail's kitchen, and ensuring that it is produced in a clean and sanitary environment and manner. Service of food is overseen by members of the jail staff in order to ensure that the procedure is properly done, and that inmates receive the food that was intended for them. All cooking and eating utensils are washed and sanitized on a regular basis, and the kitchen itself is cleaned daily. (See Affidavit of Captain Laura Gresham, "Gresham Aff.;" Affidavit of Sheriff Willie Vaughner, "Vaughner Aff.")

It is the policy of the Lowndes County Sheriff's Office that persons incarcerated in the Lowndes County Jail be given access to medical care comparable to that available to citizens in the surrounding community and that their physical and mental health care needs be provided for during the time they are incarcerated. In order to facilitate this goal, Lowndes County, Alabama

employs a nursing service which staffs the Lowndes County, Alabama Jail with nurses either present at the facility, or on call, on a continuous basis. Inmates may, at any time, make requests for medical care. All inmate requests for medical care are forwarded to the jail nurse, who makes all decisions regarding further treatment. Should additional treatment be required, the nurse gives directions to the Jail Administrator, Captain Laura Gresham, in order that an appointment may be made with an outside physician. Inmates are routinely transported to such appointments. (See Gresham Aff.; Vaughner Aff.)

In emergency situations, paramedics or an ambulance service may be summoned to the Lowndes County Jail. After hours, when no nurse is present, if a medical situation presents itself to a member of the jail staff, and there is any doubt whatsoever as to whether an inmate needs treatment, paramedics are summoned to the jail, and their directions are followed. (See Gresham Aff.; Vaughner Aff.)

At no time does any member of the jail staff substitute his or her judgment for the medical judgment of nurses, paramedics, or doctors. No member of the jail staff is allowed to make any type of medical decisions for the inmates. When orders regarding a particular inmate are given concerning medical treatment, prescriptions, or other procedures, such orders are followed by members of the jail staff. Similarly, should an inmate be dissatisfied with the treatment he receives from a doctor, and requests a different course of treatment, no member of the jail staff is authorized to deviate from the course of treatment prescribed by the health care provider. The only exception to this general rule would be when the inmate himself refuses to follow a course of treatment, such as refusing medication. (See Gresham Aff.; Vaughner Aff.)

It is the policy of the Lowndes County, Alabama Sheriff's Office to distribute medication to inmates at the Lowndes County Jail according to the inmates' doctors' directions. All

medication for inmates in the Lowndes County, Alabama Jail is obtained from IHS Pharmacy in “blister packs.” This packaging is on a “per dose” basis for each inmate, with the proper dosage pre-measured, and the time for distribution noted. When nurses are present at the jail, they are responsible for distributing medication. In other hours, the nurses’ directions are followed regarding distributing the medication directly from the blister packs. (See Gresham Aff.; Vaughner Aff.)

It is the policy of the Lowndes County Sheriff’s Office that conditions in the Lowndes County, Alabama Jail be maintained in a clean, orderly, and wholesome manner. Laundry services are provided to inmates for bedding, clothing, and other items. Hot showers are available on a daily basis, unless security conditions dictate otherwise. Cleaning materials are made available to inmates for their cell areas, and inmates are required to keep those areas clean. Common areas of the jail are cleaned by trusty inmates. (See Vaughner Aff.; and Gresham Aff.)

It is the policy of the Lowndes County Sheriff’s Office that inmates be allowed outside exercise, and access to fresh air and sunlight in the jail’s recreation area as often as possible. Members of the jail staff are instructed that, when sufficient personnel are present, inmates be scheduled for outdoor recreation. (See Vaughner Aff.; and Gresham Aff.)

Contrary to the allegations made in the Plaintiff’s Complaint, no inmate in the Lowndes County Jail is served unclean food. Similarly, the food carts used by the kitchen staff and the trusty inmates to transport food from one area of the jail to the other are not “filthy,” but are cleaned after each meal. Also contrary to the Plaintiff’s Complaint, food is not served off “metal baking trays” but is given to inmates on slotted plastic trays. These trays are, in fact, placed in the food carts on metal trays, but inmates are never given access to the metal trays themselves. (See Gresham Aff.)

Contrary to the Plaintiff's Complaint, food trays are not stacked one on top of another. Trays are stacked in the food carts to be delivered to the inmates separated on shelves, and the top of one never comes in contact with the bottom of another. In addition, all cooking and eating utensils are regularly cleaned. The Plaintiff's complaint that his utensils and cups are never washed, but kept in cells is untrue. Inmates may give members of the jail staff their cups, forks, or spoons at any time, for sterilization, and, each Friday, these items are collected and sterilized before being returned to the inmates. (See Gresham Aff.)

Inmates are served three hot meals per day at the Lowndes County Detention Facility. Meals are kept hot while being transported from the kitchen to the housing areas by being placed in a food cart designed for that purpose. Also, contrary to the Plaintiff's Complaint, no food which has spoiled is served to inmates. (See Gresham Aff.)

Meals are prepared at the Lowndes County Detention Facility in the jail kitchen according to a menu approved by a licensed dietitian employed by the Lowndes County Board of Education. This meal plan has five set meals for meals to be served Monday through Friday, and choices may be made from the list for weekend meals. The only substitutions allowed on the list are those which have been approved by the dietitian, or substitute one vegetable or meat or similar food group for another. (See Exhibit 2 and Gresham Aff.)

The Lowndes County Detention Facility is regularly inspected by the Alabama Department of Public Health. These inspections involve a thorough inspection of the food service, its equipment, as well as the building itself. The most recent inspection occurring near the time the Plaintiff was incarcerated took place on January 23, 2007. The Lowndes County Jail's Food Service Inspection on that date scored a 99 out of possible 100. (See Gresham Aff. and Exhibit 3.)

With regard to the Plaintiff's allegation that he was denied medical treatment, Defendants are unaware of any time that Inmate Allen was prevented from receiving necessary medical care. Inmate Allen, on numerous occasions, presented request forms to members of the jail staff concerning different medical issues. Each time, these request forms were forwarded to a member of the jail's medical staff, and Mr. Allen received care which was appropriate for the particular problem he may have had. Members of the jail staff have, in no way, interfered with the decisions of medical personnel with regard to the type, quantity, or frequency of treatment of Mr. Allen, or, for that matter, any other inmate. (See Exhibit 4, Inmate Request Forms; and Gresham Aff.)

During his incarceration in the Lowndes County Jail, Robert Allen was, on one occasion, given a prescription by his treating physician at the Autaugaville Family Health Center. On that occasion, the medication Doxepin was obtained for him and distributed to him according to his doctor's directions. The doctor also recommended that he receive an over-the-counter medication, Metamucil. No prescription was filled for this medication due to the fact that, as it is an over-the-counter medication, it was present at the Lowndes County Jail already. This medication was also distributed to Mr. Allen according to his doctor's directions. (See Exhibit 5; Gresham Aff.)

Contrary to the Plaintiff's Complaint, blankets and other bedding are laundered on a regular basis at the Lowndes County Detention Facility. Defendants know of no way that, as asserted by the Plaintiff, an inmate could have had possession of a blanket which had been laundered only once in five months. Laundry services are made available by the Sheriff's Office to all inmates for clothing, bedding, and other items on a regular basis. Blankets are

laundered each Wednesday, and the wash includes using Clorox dry bleach to ensure that the proper level of cleanliness is maintained. (See Gresham Aff.)

The Defendants know of no time that inmates in the Lowndes County Jail have been subjected to cold showers, unless there was an unusual demand during a period for hot water. The hot water system has a high capacity for the production of hot water, and provides it in all situations that Defendants are aware of. The Defendants have never had any complaint from the Plaintiff regarding cold showers, and were unaware of any such claim until the filing of the Plaintiff's Complaint. (See Gresham Aff.)

Inmates in the Lowndes County Jail are taken outside for exercise during the day shift, which is supervised by Captain Laura Gresham, at least two or three times per month. It is Captain Gresham's goal to increase this number, but this cannot be done until additional staff is available to supervise inmates inside and outside the facility. Whenever possible, and extra staff is available at the jail, inmates are given opportunities for exercise. The Defendants are unaware of any circumstance when the Plaintiff in this case, Robert Lee Allen, requested exercise outdoors, but was denied the ability to have such exercise. (See Gresham Aff.)

The State of Alabama Department of Corrections regularly inspects the Lowndes County Detention Facility. Areas such as the general maintenance to the building itself, its safety and security features, food services, medical services, and other areas are thoroughly examined. The latest such inspection was accomplished by the State of Alabama on February 8, 2007. In each area complained of by the Plaintiff, and, in fact, in all other areas, the Lowndes County Detention Facility was found to be compliant with the applicable laws, and in good repair. The inspector, in fact, concluded his or her report by stating, "It is obvious

that a good cleaning program is in place. The jail looks good!!!” (See Gresham Aff. and Exhibit 6, Jail Inspection Report dated February 8, 2007.)

It is the policy of the Lowndes County Sheriff’s Office that members of the jail staff receive and answer any written grievances made by inmates. Inmates may, at any time, submit grievances to members of the jail staff, in writing. The jail staff is charged with the responsibility of receiving and forwarding these forms to the appropriate authority, and the officer receiving the request must answer the request, if possible. (See Gresham Aff.)

All inmates are informed of the grievance procedure at the time they are booked into the jail, and, in addition, are given a copy of the jail’s rules and regulations for inmates. (See Gresham Aff.)

The Plaintiff in this action, Robert Lee Allen, submitted numerous inmate requests/grievance forms to members of the jail staff during his incarceration. (See Exs. 4 and 7.) All grievances submitted by Mr. Allen were placed in his jail file, per standard operating procedure. No Defendant in this action remembers receiving any request or complaint from the Plaintiff concerning any of the allegations made in his Complaint. Accordingly, the Plaintiff has failed to exhaust his administrative remedies at the Lowndes County Detention Facility. (See Gresham Aff.; Vaughner Aff.)

The Defendants in this matter, Lowndes County, Alabama Sheriff Willie Vaughner, and Lowndes County, Alabama Sheriff’s Office Captain Laura Gresham, deny that they have acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of any right to which he was entitled. (See Gresham Aff.; Vaughner Aff.)

#### IV. LAW

**A. ALL CLAIMS BY PLAINTIFF AGAINST DEFENDANTS IN THEIR OFFICIAL CAPACITIES MUST FAIL BASED ON ELEVENTH AMENDMENT IMMUNITY AND BECAUSE THEY ARE NOT “PERSONS” UNDER 42 U.S.C. § 1983.**

Plaintiff's claims against Defendants in their official capacities are due to be dismissed for lack of subject matter jurisdiction as such claims are barred by the Eleventh Amendment to the United States Constitution. Parker v. Williams, 862 F.2d 1471, 1476 (11th Cir. 1989) (holding a sheriff sued in his official capacity is entitled to Eleventh Amendment immunity); Free v. Granger, 887 F.2d 1552, 1557 (11th Cir. 1989) (holding that a sheriff sued in his official capacity is entitled to Eleventh Amendment immunity); Carr v. City of Florence, Ala., 918 F.2d 1521, 1525 (11th Cir. 1990) (holding a deputy sheriff sued in his official capacity is entitled to Eleventh Amendment immunity); Lancaster v. Monroe County, 116 F.3d 1419, 1430-31 (11th Cir. 1997) (extending Eleventh Amendment immunity to include jailers employed by county sheriffs).

In addition, the official capacities claims must fail because 42 U.S.C. § 1983 prohibits a person, acting under color of law, from depriving another of his rights secured by the United States Constitution. 42 U.S.C. § 1983 (emphasis added). The United States Supreme Court has held that state officials, in their official capacities, are not “persons” under § 1983. Will v. Michigan Dep’t of State Police, 491 U.S. 58, 71 (1989). Any claims against Defendants in their official capacities should therefore be dismissed because they are not “persons” under § 1983, and therefore claims against them in their official capacities fail to state a claim upon which relief can be granted. Id.; Carr, 916 F.2d at 1525 n.3 (11th Cir. 1990).

**B. PLAINTIFF'S FAILURE TO COMPLY WITH THE PRISON LITIGATION REFORM ACT BARS THE COMPLAINT.**

**1. Plaintiff has failed to exhaust all Administrative Remedies.**

Under the Prison Litigation Reform Act (“PLRA”), an inmate is required to exhaust all administrative remedies before instituting an action under 42 U.S.C. § 1983. 42 U.S.C. § 1997e (a). The Plaintiff in this case has not utilized two separate and distinct administrative remedies available to him. First, the Plaintiff has not exhausted the grievance procedures provided at the Lowndes County Detention Center. Secondly, he has not alleged that he pursued any grievance through the State Board of Adjustment. See Brown v. Tombs, 139 F.3d 1102, 1103-04 (6th Cir. 1998) (requiring prisoners to affirmatively show that they have exhausted administrative remedies). Despite the availability of a grievance procedure at the Lowndes County Detention Center, Plaintiff did not file a grievance with the Lowndes County Detention Facility.

In addition to the grievance procedure at the local level, Alabama law provides the opportunity to file a claim and proceed before the State of Alabama Board of Adjustment pursuant to Ala. Code § 41-9-60. The Sheriff of Lowndes County is a state officer, as are his alter egos, and therefore would be entitled to sovereign immunity. See Lancaster v. Monroe County, 116 F.3d 1419, 1429 (11th Cir. 1998). Due to this immunity, the State of Alabama has provided an administrative remedy for the recovery of money damages through the State of Alabama Board of Adjustment.

As a result of Plaintiff’s failure to exhaust these two remedies, he is barred from bringing this action under § 1997e(a). See Alexander v. Hawk, 159 F.3d 1321, 1326-27 (11th Cir. 1998) (affirming dismissal of prison action due to failure to exhaust administrative remedies).<sup>1</sup>

---

<sup>1</sup> See Terry Shane Williams v. Cecil Reed, et al., United States District Court for the Northern District of Alabama, Middle Division, No. CV-99-BU-2938-M, slip op. at 3-4 (N.D. Ala. August 15, 2000) (adopted by district judge

**2. Plaintiff's claims are barred by the Prison Litigation Reform Act because he has not suffered any physical injury as a result of the allegations in his Complaint.**

42 U.S.C. § 1997e(e) of the Prison Litigation Reform Act requires that a plaintiff demonstrate that he suffered physical injury before instituting a complaint based upon jail conditions. The PLRA states the following concerning physical injury:

No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury. 42 U.S.C. § 1997e(e).

The Eleventh Circuit has determined that the physical injury requirement of § 1997e(e) requires that a plaintiff demonstrate a physical injury that is more than *de minimis* although the injuries do not have to be significant. Harris v. Garner, 190 F.3d 1279, 1286 (11th Cir.), vacated, 197 F.3d (11th Cir. 1999), reinstated in relevant part, Harris v. Garner, 216 F.3d 970 (11th Cir. 2000) (en banc). In the present action, Plaintiff suffered no physical injury as a result of the allegations described in his Complaint. (See Plaintiff's Compl.) Further, Plaintiff's Complaint fails to allege that he suffered an injury. As a result, the case is due to be dismissed pursuant to 42 U.S.C § 1997e(e).

---

September 21, 2000) (dismissed the plaintiff's claims without prejudice for his failure to exhaust his administrative remedies at the DeKalb County Jail); Richard Dale Woodham v. Bill Lands, United States District Court for the Northern District of Alabama, Middle Division, No. CV-00-AR-0170-M, slip op. at 4-5 (N.D. Ala. November 7, 2000) (adopted by district judge December 4, 2000) (dismissed the plaintiff's claims without prejudice for his failure to exhaust his administrative remedies at the DeKalb County Jail); Quinton M. Johnson v. Sgt. Robinson, et al., United States District Court for the Middle District of Alabama, Eastern Division, No. CV-00-D-616-E, slip op. at 3-5 (M.D. Ala. January 12, 2001) (adopted by district judge January 31, 2001) (dismissing the plaintiff's claims without prejudice for his failure to exhaust his administrative remedies with the State of Alabama Board of Adjustment); David Wilson Bell, Sr. v. Tina Riley, et al., United States District Court for the Middle District of Alabama, Eastern Division, No. CV-00-D-731-E, slip op. at 4-5 (M.D. Ala. February 21, 2001) (adopted by district judge March 20, 2001) (dismissing the plaintiff's claims without prejudice for his failure to exhaust his administrative remedies with the State of Alabama Board of Adjustment); Mitchell Lee Hicks v. Jack Day, et al., Circuit Court of Clarke County, Alabama, No. CV-00-280M, slip op. 1-3 (March 21, 2001) (dismissed the plaintiff's claims without prejudice for his failure to exhaust his administrative remedies with the State of Alabama Board of Adjustment); But see, Garner v. Weeks, No. 00-14582 (11th Cir. April 10, 2001).

**C. ALTERNATIVELY, DEFENDANTS ARE ENTITLED TO QUALIFIED IMMUNITY BECAUSE NOTHING IN THEIR CONDUCT CROSSED A “BRIGHT LINE” CONTOUR OF CLEARLY ESTABLISHED CONSTITUTIONAL LAW.**

Defendants were acting within their discretionary authority as Sheriff and Detention Center officials of Lowndes County during all times relevant to Plaintiff's Complaint because all their actions were taken in the furtherance of their job duties. See, e.g. Holloman ex rel. Holloman v. Harland, 370 F.3d 1252 (11th Cir. 2004). Once a defendant has asserted the defense of qualified immunity and shown that he was acting within his discretionary authority, the threshold inquiry a court must undertake is whether the plaintiff's allegations, if true, establish a constitutional violation. Saucier v. Katz, 533 U.S. 194, 201 (2001). This initial inquiry is whether “[t]aken in the light most favorable to the party asserting the injury, do the facts alleged show the officer's conduct violated a constitutional right?” Id. (citing Siegert v. Gilley, 500 U.S. 226, 232 (1991)). The second inquiry is, if a constitutional violation is stated, were these rights “clearly established” to the degree that these Defendants had “fair warning” that their conduct violated the plaintiff's constitutional rights? Willingham v. Loughnan, 321 F.3d 1299, 1301 (11th Cir. 2003).

In making an assessment of whether the particular conduct of these Defendants was clearly established as being violative of constitutional dictates, the reviewing court must examine the state of law at the time the alleged deprivation occurred. See Rodgers v. Horsley, 39 F.3d 308, 311 (11th Cir. 1994). A constitutional right is clearly established only if its contours are “sufficiently clear that a reasonable official would understand that what he is doing violates that right.” Anderson v. Creighton, 483 U.S. 635, 640 (1987); Lancaster, 116 F.3d at 1424. “In this circuit, the law can be ‘clearly established’ for qualified immunity purposes only by decisions of the U.S. Supreme Court, Eleventh Circuit Court of Appeals, or the highest court of the state where the case arose.”

Jenkins v. Talladega Bd. of Educ., 115 F.3d 821, 827 (11th Cir. 1997) (en banc) (citations omitted).

Assuming, *arguendo*, that the Plaintiff could demonstrate a constitutional violation, he must still show that clearly established law provided the Defendants with fair warning that their conduct was unlawful. He may do so by either (1) pointing to a case with materially similar facts holding that the conduct engaged in was illegal; or (2) demonstrating that a pertinent federal statute or federal constitutional provision are specific enough to demonstrate conduct was illegal, even in the total absence of case law. Storck v. City of Coral Springs, 354 F.3d 1307, 1317 (11th Cir. 2003) (citations omitted). The Eleventh Circuit has identified the latter method as an “obvious clarity” case. Vinyard v. Wilson, 311 F.3d 1340, 1350 (11th Cir. 2002) (footnote omitted). In order to show that the conduct of the Defendant was unconstitutional with “obvious clarity,” “the unlawfulness must have been apparent.” Willingham, 321 F.3d at 1301. “Unless a government agent’s act is so obviously wrong, in the light of pre-existing law, that only a plainly incompetent officer or one who was knowingly violating the law would have done such a thing, the government actor has immunity from suit.” Storck, 354 F.3d at 1318 (quoting 28 F.3d at 1149).

### **1. Plaintiff’s conditions of confinement claims.**

In order to establish a conditions of confinement claim Plaintiff “must prove three elements: (1) a condition of confinement that inflicted unnecessary pain or suffering [constituting cruel and unusual punishment], (2) the defendant[s’] ‘deliberate indifference’ to that condition, and (3) causation. Rhodes v. Chapman, 452 U.S. 337, 347, 101 S. Ct. 2392, 2399, 69 L. Ed. 2d 59 (1981) (first element); Wilson v. Seiter, [502] U.S. [294, 303], 111 S. Ct. 2321, 2327, 115 L. Ed. 2d 271 (1991) (second element); Williams v. Bennett, 689 F.2d 1389-90 (11th Cir. 1982) (third element). Whether a particular condition of confinement constitutes cruel

and unusual punishment is an objective inquiry; whether jail officials were deliberately indifferent to that condition is a subjective inquiry. Wilson v. Seiter, 502 U.S. at 290. In the instant case, the Plaintiff cannot establish either the objective or subjective components of his conditions of confinement claims.

**a. Objective Component**

With regard to the objective component, the Eleventh Circuit has held that “*extreme* deprivations are required to make out a conditions-of-confinement claim” under the Eighth Amendment.<sup>2</sup> Chandler v. Crosby, 379 F.3d 1278, 1298 (11th Cir. 2004) (emphasis in original). “[A] constitutional violation occurs only where the deprivation alleged is, objectively, ‘sufficiently serious.’” Farmer v. Brennan, 511 U.S. 825, 834 (1994). “[T]he Constitution does not mandate comfortable prisons.” Chandler, 379 F.3d. at 1289. In the instant case, the Plaintiff cannot present evidence of any *extreme* deprivation that could be objectively considered “cruel and unusual.”

**b. Subjective Component**

Even if the Plaintiff’s conditions of confinement were objectively “cruel and unusual,” there must still be evidence of subjective deliberative indifference on the part of each Defendant. “To be deliberately indifferent, a [jail] official must knowingly or recklessly disregard an inmate’s basic needs.” LaMarca v. Turner, 995 F.2d 1526, 1535 (11th Cir. 1993). “[A] plaintiff must prove that the official possessed knowledge both of the infirm condition and of the means to cure that condition, ‘so that a conscious, culpable refusal to prevent the harm can be inferred

---

<sup>2</sup> “Claims involving the mistreatment of . . . pretrial detainees in custody are governed by the Fourteenth Amendment’s Due Process Clause instead of the Eighth Amendment’s Cruel and Unusual Punishment Clause, which applies to such claims by convicted prisoners. But it makes no difference whether [the plaintiff] was a pretrial detainee or a convicted prisoner because ‘the applicable standard is the same, so decisional law involving prison inmates applies equally to cases involving pretrial detainees.’” Bozeman v. Orum, 422 F.3d 1265, 1271 (11th Cir. 2005) (internal citations omitted).

from the defendant's failure to prevent it.”” Id. (quoting Duckworth v. Franzen, 780 F.2d 645, 653 (7th Cir. 1985), cert. denied, 479 U.S. 816 (1986). There must be evidence that the official “knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” Farmer v. Brennan, 511 U.S. 825, 837 (1994). The Court equates the level of culpable intent required to the standard employed in the context of *criminal* recklessness prosecutions. Id. at 837-839. No liability can be attributed to “an official’s failure to alleviate a significant risk which he should have perceived but did not.” Cottrell v. Caldwell, 85 F.3d 1480, 1491 (11th Cir. 1996). Where jail officials attempt to remedy constitutional short-comings but fail to do so, the official cannot be found to have been “deliberately indifferent” unless the official knew of but disregarded appropriate effective alternatives. LaMarca, 995 F.2d at 1536. Furthermore, the United States Supreme Court has held that a significant injury is required in order to sustain a conditions of confinement claim. Porter v. Nussle, 534 U.S. 516, 528 (U.S. 2002).

Plaintiff cannot show that Defendants have been deliberately indifferent with regard to the conditions of confinement at the Lowndes County Detention Facility. Plaintiff has failed to allege or offer any evidence sufficient to sustain a claim that any actions of the Defendants constituted cruel and unusual punishment. In this case, none of the conditions of which Plaintiff complains constitutes an excessive risk to his health or safety. Plaintiff has not shown or even alleged how he has been injured as a result of any of his allegations. Furthermore, the Plaintiff has not presented sufficient evidence to show that any impairment to his physical or mental condition actually resulted from the aforementioned environment. In the instant case, even if there were an excessive risk to his health or safety, the Plaintiff has not sufficiently alleged that any of

the Defendants knew of or disregarded that risk. There are no grievances in the Plaintiff's file regarding his allegations of the conditions of his confinement. The Plaintiff has failed to sufficiently allege how each Defendant was deliberately indifferent to any alleged conditions. Plaintiff has failed to allege that he suffered any injury as a result of the conditions of his confinement.

Based on the foregoing, it is clear that the Defendants did not violate Plaintiff's constitutional rights. Further, Plaintiff cannot show that clearly established law provided the Defendants with fair warning that their conduct was unlawful. Therefore, the Defendants are entitled to qualified immunity. Because the Plaintiff cannot meet the objective or subjective tests as set forth in Farmer, *supra*, his conditions of confinement claims are due to be dismissed.

## 2. Medical Claims

In order to prevail under 42 U.S.C. § 1983 on his medical claim, Plaintiff must demonstrate that the Defendant was deliberately indifferent to a serious medical condition. Because society does not expect that prisoners will have unqualified access to health care, deliberate indifference to medical needs amounts to an Eighth Amendment violation only if those needs are "serious." Hudson v. McMillian, 503 U.S. 1, 9 (1992).

A serious medical need is one that has been diagnosed by a physician as mandating treatment or one that is so obvious that even a lay person would easily recognize the necessity for a doctor's attention. A prison or medical official may be held liable under the Eighth Amendment for actions with "deliberate indifference" to inmate health or safety only if he knows that inmates face a substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it. Mere negligence does not suffice to prove deliberate indifference.

Farmer v. Brennan, 511 U.S. 825, 837 (1994) ("Deliberate indifference describes a state of mind more blameworthy than negligence"). Furthermore, where a prisoner has received medical

attention and the dispute concerns the adequacy of the medical treatment, deliberate indifference is not shown. Hamm v. DeKalb County, 774 F.2d 1567 (11th Cir. 1985).

Defendants assume for purposes of their motion for summary judgment that Plaintiff had a serious medical condition. However, Plaintiff was treated by the jail nurse as well as the jail medical doctor during his incarceration. Plaintiff was given his prescribed medications according to his physician's directions.

An inmate does not have a right to a *specific* kind of treatment. City of Revere v. Mass. Gen'l Hosp., 463 U.S. 239, 246 (1983) (holding, "the injured detainee's constitutional right is to receive the needed medical treatment; *how [a municipality] obtains such treatment is not a federal constitutional question*") (emphasis added). This Court should not substitute its medically untrained judgment for the professional judgment of the medical health professionals who treated the Plaintiff. See Waldrop v. Evans, 871 F.2d 1030, 1035 (11th Cir. 1989) (observing that "when a prison inmate has received medical care, courts hesitate to find an Eighth Amendment violation"); Hamm v. DeKalb County, 774 F.2d 1567, 1575 (11th Cir. 1985) (stating that the evidence showed the plaintiff received "significant" medical care while in jail, and although plaintiff may have desired different modes of treatment, care provided by jail did not constitute deliberate indifference), cert. denied, 475 U.S. 1096 (1986); Westlake v. Lucas, 537 F.2d 857, 860 n.5 (6th Cir. 1976) (stating "Where a prisoner has received some medical attention and the dispute is over the adequacy of the treatment, federal courts are generally reluctant to second guess medical judgments").

Furthermore, the Defendants do not have any kind of medical education, training or experience. They rely upon the professional judgment of medical professionals who have been retained to provide care to the inmates. While the Eleventh Circuit has not had an opportunity to

visit this issue, the Eighth Circuit has addressed a similar claim. In Meloy v. Bachmeier, 302 F.3d 845 (8th Cir. 2002), a former inmate sued several prison doctors, a nurse, and the prison's medical director<sup>3</sup> for failing to provide him with a positive air pressure machine needed to treat his sleep apnea. 302 F.3d at 847. Reversing the district court's denial of summary judgment for the director, the Eighth Circuit began by making some common sense observations. "A prison's medical treatment director who lacks medical expertise cannot be liable for the medical staff's diagnostic decisions." 302 F.3d at 847 citing, Camberos v. Branstad, 73 F.3d 174, 176 (8th Cir. 1995). Further, the Meloy court stated "[p]rison officials cannot substitute their judgment for a medical professional's prescription." Id. citing, Zentmyer v. Kendall County, 220 F.3d 805, 812 (7th Cir. 2000). Finally, the court held:

The law does not clearly require an administrator with less medical training to second-guess or disregard a treating physician's treatment decision. Because the law was not clearly established that [the director] was deliberately indifferent to [the plaintiff's] serious medical needs, [the director] is entitled to qualified immunity.

302 F.3d at 849. In addition, the jail staff, including the Defendants, are entitled to rely upon the judgments of the jail's medical staff in deciding what treatment, if any, should be rendered to inmates. See Williams v. Limestone County, Ala., 198 Fed. Appx. 893 (11th Cir. 2006); Hill v. May, et al., Case No. 3:06-cv-1763-RDP (N.D. Ala.), Memorandum Opinion (Doc. 26), p. 20.

In the instant case, the evidence shows that Plaintiff was treated by the jail nurse and a medical doctor. The Defendants, who are not trained and/or licensed medical providers, are in no way responsible for second-guessing the judgments of nurses and doctors and did not do so. Therefore, the Defendants are entitled to qualified immunity from Plaintiff's claims.

---

<sup>3</sup> The medical director was a trained and licensed nurse. 302 F.3d at 846.

#### **D. SUMMARY JUDGMENT STANDARD**

On a motion for summary judgment, the court should view the evidence in the light most favorable to the nonmovant. Greasen, 891 F.2d 829, 831 (11th Cir. 1990). However, a plaintiff “must do more than show that there is some metaphysical doubt as to the material facts.” Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986). Only reasonable inferences with a foundation in the record inure to the non-movant’s benefit. See Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133 (2000). “[T]he court should give credence to the evidence favoring the nonmovant as well as that ‘evidence supporting the moving party that is uncontradicted or unimpeached, at least to the extent that that evidence comes from disinterested witnesses.’” Reeves, 530 U.S. at 151, quoting 9A C. Wright & A. Miller, Federal Practice and Procedure § 2529, p. 299.<sup>4</sup> “A reviewing court need not ‘swallow plaintiff’s invective hook, line and sinker; bald assertions, unsupportable conclusions, periphrastic circumlocutions, and the like need not be credited.’” Marsh v. Butler County, 268 F.3d 1014, 1036 n.16 (11th Cir. 2001) (en banc) quoting Mass. Sch. of Law v. American Bar, 142 F.3d 26, 40 (1st Cir. 1998).

#### **V. ANSWER**

The Defendants in this action deny each and every allegation made by the Plaintiff against them. In addition, Defendants assert the affirmative defenses of qualified immunity regarding the Plaintiff’s federal law claims against them, and, insofar as the Plaintiff’s Complaint may be construed to make claims against them pursuant to Alabama law, they assert the defense of sovereign immunity to such claims.

---

<sup>4</sup> Although Reeves was a review of a motion for judgment as a matter of law after the underlying matter had been tried, the Supreme Court, in determining the proper standard of review relied heavily on the standard for summary judgment stating, “the standard for granting summary judgment ‘mirrors’ the standard for judgment as a matter of law, such that ‘the inquiry under each is the same.’” Reeves, 530 U.S. at 150, citing Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250-251 (1986); Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986).

**VI. CONCLUSION**

The Defendants deny each and every allegation made by Plaintiff in his Complaint. The Defendants have not acted in a manner so as to deprive Plaintiff of any right to which he is entitled.

**VII. MOTION FOR SUMMARY JUDGMENT**

Defendants respectfully request that this Honorable Court treat their Special Report as a Motion for Summary Judgment, and grant unto them the same.

**s/Daryl L. Masters**  
DARYL L. MASTERS, Bar No. MAS018  
Attorney for Defendants  
WEBB & ELEY, P.C.  
Post Office Box 240909  
7475 Halcyon Pointe Dr. (36117)  
Montgomery, Alabama 36124  
Telephone: (334) 262-1850  
Fax: (334) 262-1889  
E-mail: rrobertson@webbeley.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this the **4th day of May, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Robert Lee Allen  
Autauga Metro Jail  
136 North Court Street  
Prattville, AL 36067-3002

**s/Daryl L. Masters**  
OF COUNSEL

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**AFFIDAVIT OF WILLIE VAUGHNER**

**STATE OF ALABAMA** )  
**COUNTY OF LOWNDES** )

**BEFORE ME**, the undersigned authority and Notary Public in and for said County and State at large, personally appeared Willie Vaughner, who being known to me and being by me first duly sworn on oath deposes and says as follows:

1. My name is Willie Vaughner. I am over the age of nineteen and competent to make this affidavit. I am the duly elected Sheriff of Lowndes County, Alabama and was serving as such at the time of the incident made the basis of the Plaintiff's Complaint.

2. It is the policy of the Lowndes County Sheriff's Office that inmates in the Lowndes County Jail be given a clean, wholesome, and balanced diet in order to maintain their physical health during the time they are incarcerated in the jail. Members of the jail staff are charged with overseeing the production of food in the jail's kitchen, and ensuring that it is produced in a clean and sanitary environment and manner. Service of food is overseen by members of the jail staff in order to ensure that the procedure is properly done, and that inmates receive the food that was intended for them. All cooking and eating utensils are washed and sanitized on a regular basis, and the kitchen itself is cleaned daily.

3. It is the policy of the Lowndes County Sheriff's Office that persons incarcerated in the Lowndes County Jail be given access to medical care comparable to that available to citizens in the surrounding community and that their physical and mental health care needs be provided for during the time they are incarcerated. In order to facilitate this goal, Lowndes County, Alabama employs a nursing service which staffs the Lowndes County, Alabama Jail with nurses either present at the facility, or on call, on a continuous basis. Inmates may, at any time, make requests for medical care. All inmate requests for medical care are forwarded to the jail nurse, who makes all decisions regarding further treatment. Should additional treatment be required, the nurse gives directions to the Jail Administrator, Captain Laura Gresham, in order that an appointment may be made with an outside physician. Inmates are routinely transported to such appointments.

4. In emergency situations, paramedics or an ambulance service may be summoned to the Lowndes County Jail. After hours, when no nurse is present, if a medical situation presents itself to a member of the jail staff, and there is any doubt whatsoever as to whether an inmate needs treatment, paramedics are summoned to the jail, and their directions are followed.

5. At no time does any member of the jail staff substitute his or her judgment for the medical judgment of nurses, paramedics, or doctors. No member of the jail staff is allowed to make any type of medical decisions for the inmates. When orders regarding a particular inmate are given concerning medical treatment, prescriptions, or other procedures, such orders are followed by members of the jail staff. Similarly, should an inmate be dissatisfied with the treatment he receives from a doctor, and requests a different course of treatment, no member of the jail staff is authorized to deviate from the course of treatment prescribed by the health care provider. The only exception to this general rule would be when the inmate himself refuses to follow a course of treatment, such as refusing medication.

6. It is the policy of the Lowndes County, Alabama Sheriff's Office to distribute medication to inmates at the Lowndes County Jail according to the inmates' doctors' directions. All medication for inmates in the Lowndes County, Alabama Jail is obtained from IHS Pharmacy in "blister packs." This packaging is on a "per dose" basis for each inmate, with the proper dosage pre-measured, and the time for distribution noted. When nurses are present at the jail, they are responsible for distributing medication. In other hours, the nurses' directions are followed regarding distributing the medication directly from the blister packs.

7. It is the policy of the Lowndes County Sheriff's Office that conditions in the Lowndes County, Alabama Jail be maintained in a clean, orderly, and wholesome manner. Laundry services are provided to inmates for bedding, clothing, and other items. Hot showers are available on a daily basis, unless security conditions dictate otherwise. Cleaning materials are made available to inmates for their cell areas, and inmates are required to keep those areas clean. Common areas of the jail are cleaned by trusty inmates.

8. It is the policy of the Lowndes County Sheriff's Office that inmates be allowed outside exercise, and access to fresh air and sunlight in the jail's recreation area as often as possible. Members of the jail staff are instructed that, when sufficient personnel are present, inmates be scheduled for outdoor recreation.

9. The Plaintiff in this action, Robert Lee Allen, submitted numerous inmate requests/grievance forms to members of the jail staff during his incarceration. All grievances submitted by Mr. Allen were placed in his jail file, per standard operating procedure. I do not remember receiving any request or complaint from the Plaintiff concerning any of the allegations made in his Complaint. Accordingly, the Plaintiff has failed to exhaust his administrative remedies at the Lowndes County Detention Facility.

10. I deny that I have acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of any right to which he was entitled.

11. I certify and state that the documents provided to this Court which are attached to the Defendants' Special Report are true and correct copies of inmate records kept at the Lowndes County Jail in the regular course of business.

12. I have read the foregoing Report and I swear that the information contained therein is true and correct to the best of my present knowledge.

13. I swear, to the best of my present knowledge, that the above statements are true, that I am competent to make this affidavit, and that the above statements are made by drawing from my personal knowledge of the situation.

  
\_\_\_\_\_  
WILLIE VAUGHNER

SWORN TO and SUBSCRIBED before me this the 4th day of May, 2007.

(SEAL)

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: April 6, 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBERT LEE ALLEN, )  
Plaintiff, )  
V. ) Civil Action No. 2:07-cv-85-WKW-WC  
SHERIFF WILLIE VAUGHNER, et al., )  
Defendants. )

**AFFIDAVIT OF LAURA GRESHAM**

STATE OF ALABAMA )  
COUNTY OF LOWNDES )

**BEFORE ME**, the undersigned authority and Notary Public in and for said County and State at large, personally appeared Laura Gresham, who being known to me and being by me first duly sworn on oath deposes and says as follows:

1. My name is Laura Gresham. I serve as the Jail Administrator for the Lowndes County, Alabama Jail and was serving in that capacity at the time of the incident made the basis of the Plaintiff's Complaint. I am over the age of nineteen and competent to make this affidavit.

2. It is the policy of the Lowndes County Sheriff's Office that inmates in the Lowndes County Jail be given a clean, wholesome, and balanced diet in order to maintain their physical health during the time they are incarcerated in the jail. Members of the jail staff are charged with overseeing the production of food in the jail's kitchen, and ensuring that it is produced in a clean and sanitary environment and manner. Service of food is overseen by members of the jail staff in order to ensure that the procedure is properly done, and that inmates receive the food that was intended for them. All cooking and eating utensils are washed and sanitized on a regular basis, and the kitchen itself is cleaned daily.

3. It is the policy of the Lowndes County Sheriff's Office that persons incarcerated in the Lowndes County Jail be given access to medical care comparable to that available to

citizens in the surrounding community and that their physical and mental health care needs be provided for during the time they are incarcerated. In order to facilitate this goal, Lowndes County, Alabama employs a nursing service which staffs the Lowndes County, Alabama Jail with nurses either present at the facility, or on call, on a continuous basis. Inmates may, at any time, make requests for medical care. All inmate requests for medical care are forwarded to the jail nurse, who makes all decisions regarding further treatment. Should additional treatment be required, the nurse gives directions to me, as the Jail Administrator, in order that an appointment may be made with an outside physician. Inmates are routinely transported to such appointments.

4. In emergency situations, paramedics or an ambulance service may be summoned to the Lowndes County Jail. After hours, when no nurse is present, if a medical situation presents itself to a member of the jail staff, and there is any doubt whatsoever as to whether an inmate needs treatment, paramedics are summoned to the jail, and their directions are followed.

5. At no time does any member of the jail staff substitute his or her judgment for the medical judgment of nurses, paramedics, or doctors. No member of the jail staff is allowed to make any type of medical decisions for the inmates. When orders regarding a particular inmate are given concerning medical treatment, prescriptions, or other procedures, such orders are followed by members of the jail staff. Similarly, should an inmate be dissatisfied with the treatment he receives from a doctor, and requests a different course of treatment, no member of the jail staff is authorized to deviate from the course of treatment prescribed by the health care provider. The only exception to this general rule would be when the inmate himself refuses to follow a course of treatment, such as refusing medication.

6. It is the policy of the Lowndes County, Alabama Sheriff's Office to distribute medication to inmates at the Lowndes County Jail according to the inmates' doctors' directions. All medication for inmates in the Lowndes County, Alabama Jail is obtained from IHS Pharmacy in "blister packs." This packaging is on a "per dose" basis for each inmate, with the

proper dosage pre-measured, and the time for distribution noted. When nurses are present at the jail, they are responsible for distributing medication. In other hours, the nurses' directions are followed regarding distributing the medication directly from the blister packs.

7. It is the policy of the Lowndes County Sheriff's Office that conditions in the Lowndes County, Alabama Jail be maintained in a clean, orderly, and wholesome manner. Laundry services are provided to inmates for bedding, clothing, and other items. Hot showers are available on a daily basis, unless security conditions dictate otherwise. Cleaning materials are made available to inmates for their cell areas, and inmates are required to keep those areas clean. Common areas of the jail are cleaned by trusty inmates.

8. It is the policy of the Lowndes County Sheriff's Office that inmates be allowed outside exercise, and access to fresh air and sunlight in the jail's recreation area as often as possible. Members of the jail staff are instructed that, when sufficient personnel are present, inmates be scheduled for outdoor recreation.

9. Contrary to the allegations made in the Plaintiff's Complaint, no inmate in the Lowndes County Jail is served unclean food. Similarly, the food carts used by the kitchen staff and the trusty inmates to transport food from one area of the jail to the other are not "filthy," but are cleaned after each meal. Also contrary to the Plaintiff's Complaint, food is not served off "metal baking trays" but is given to inmates on slotted plastic trays. These trays are, in fact, placed in the food carts on metal trays, but inmates are never given access to the metal trays themselves.

10. Contrary to the Plaintiff's Complaint, food trays are not stacked one on top of another. Trays are stacked in the food carts to be delivered to the inmates separated on shelves, and the top of one never comes in contact with the bottom of another. In addition, all cooking and eating utensils are regularly cleaned. The Plaintiff's complaint that his utensils and cups are never washed, but kept in cells is untrue. Inmates may give members of the jail staff their cups,

forks, or spoons at any time, for sterilization, and, each Friday, these items are collected and sterilized before being returned to the inmates.

11. Inmates are served three hot meals per day at the Lowndes County Detention Facility. Meals are kept hot while being transported from the kitchen to the housing areas by being placed in a food cart designed for that purpose. Also, contrary to the Plaintiff's Complaint, no food which has spoiled is served to inmates.

12. Meals are prepared at the Lowndes County Detention Facility in the jail kitchen according to a menu approved by a licensed dietician employed by the Lowndes County Board of Education. This meal plan has five set meals for meals to be served Monday through Friday, and choices may be made from the list for weekend meals. The only substitutions allowed on the list are those which have been approved by the dietician, or substitute one vegetable or meat or similar food group for another.

13. The Lowndes County Detention Facility is regularly inspected by the Alabama Department of Public Health. These inspections involve a thorough inspection of the food service, its equipment, as well as the building itself. The most recent inspection occurring near the time the Plaintiff was incarcerated took place on January 23, 2007. The Lowndes County Jail's Food Service Inspection on that date scored a 99 out of possible 100.

14. With regard to the Plaintiff's allegation that he was denied medical treatment, Defendants are unaware of any time that Inmate Allen was prevented from receiving necessary medical care. Inmate Allen, on numerous occasions, presented request forms to members of the jail staff concerning different medical issues. Each time, these request forms were forwarded to a member of the jail's medical staff, and Mr. Allen received care which was appropriate for the particular problem he may have had. Members of the jail staff have, in no way, interfered with the decisions of medical personnel with regard to the type, quantity, or frequency of treatment of Mr. Allen, or, for that matter, any other inmate.

15. During his incarceration in the Lowndes County Jail, Robert Allen was, on one occasion, given a prescription by his treating physician at the Autaugaville Family Health Center. On that occasion, the medication Doxepin was obtained for him and distributed to him according to his doctor's directions. The doctor also recommended that he receive an over-the-counter medication, Metamucil. No prescription was filled for this medication due to the fact that, as it is an over-the-counter medication, it was present at the Lowndes County Jail already. This medication was also distributed to Mr. Allen according to his doctor's directions.

16. Contrary to the Plaintiff's Complaint, blankets and other bedding are laundered on a regular basis at the Lowndes County Detention Facility. Defendants know of no way that, as asserted by the Plaintiff, an inmate could have had possession of a blanket which had been laundered only once in five months. Laundry services are made available by the Sheriff's Office to all inmates for clothing, bedding, and other items on a regular basis. Blankets are laundered each Wednesday, and the wash includes using Clorox dry bleach to ensure that the proper level of cleanliness is maintained.

17. I know of no time that inmates in the Lowndes County Jail have been subjected to cold showers, unless there was an unusual demand during a period for hot water. The hot water system has a high capacity for the production of hot water, and provides it in all situations that I am aware of. I have never had any complaint from the Plaintiff regarding cold showers, and was unaware of any such claim until the filing of the Plaintiff's Complaint.

18. Inmates in the Lowndes County Jail are taken outside for exercise during the day shift, which I myself supervise, at least two or three times per month. It is my goal to increase this number, but this cannot be done until additional staff is available to supervise inmates inside and outside the facility. Whenever possible, and extra staff is available at the jail, inmates are given opportunities for exercise. I am unaware of any circumstance when the Plaintiff in this

case, Robert Lee Allen, requested exercise outdoors, but was denied the ability to have such exercise.

19. The State of Alabama Department of Corrections regularly inspects the Lowndes County Detention Facility. Areas such as the general maintenance to the building itself, its safety and security features, food services, medical services, and other areas are thoroughly examined. The latest such inspection was accomplished by the State of Alabama on February 8, 2007. In each area complained of by the Plaintiff, and, in fact, in all other areas, the Lowndes County Detention Facility was found to be compliant with the applicable laws, and in good repair. The inspector, in fact, concluded his or her report by stating, "It is obvious that a good cleaning program is in place. The jail looks good!!!"

20. It is the policy of the Lowndes County Sheriff's Office that members of the jail staff receive and answer any written grievances made by inmates. Inmates may, at any time, submit grievances to members of the jail staff, in writing. The jail staff is charged with the responsibility of receiving and forwarding these forms to the appropriate authority, and the officer receiving the request must answer the request, if possible.

21. All inmates are informed of the grievance procedure at the time they are booked into the jail, and, in addition, are given a copy of the jail's rules and regulations for inmates.

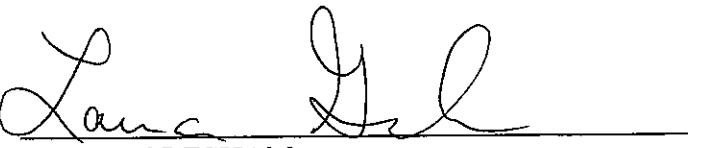
22. The Plaintiff in this action, Robert Lee Allen, submitted numerous inmate requests/grievance forms to members of the jail staff during his incarceration. All grievances submitted by Mr. Allen were placed in his jail file, per standard operating procedure. I do not remember receiving any request or complaint from the Plaintiff concerning any of the allegations made in his Complaint. Accordingly, the Plaintiff has failed to exhaust his administrative remedies at the Lowndes County Detention Facility.

23. I deny that they have acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of any right to which he was entitled.

24. I certify and state that the documents provided to this Court which are attached to the Defendants' Special Report are true and correct copies of inmate records kept at the Lowndes County Jail in the regular course of business.

25. I have read the foregoing Report and I swear that the information contained therein is true and correct to the best of my present knowledge.

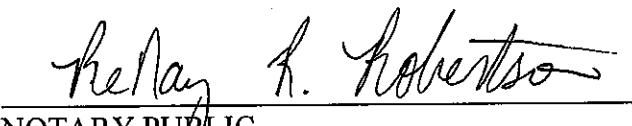
26. I swear, to the best of my present knowledge, that the above statements are true, that I am competent to make this affidavit, and that the above statements are made by drawing from my personal knowledge of the situation.



LAURA GRESHAM

SWORN TO and SUBSCRIBED before me this the 4th day of May, 2007.

(SEAL)



KELLEY R. ROBERTSON

NOTARY PUBLIC

My Commission Expires: My Commission Expires May 19, 2008

**Exhibit 1**

**Alabama Uniform Arrest Report, Consolidated  
Appearance Bond, Request for Hold, Order for  
Inmate Return, and Alabama Uniform Arrest Report  
noting Release**

## ALABAMA UNIFORM ARREST REPORT

Fingerprinted	R84 Completed
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # <b>AL0450000</b>		2 AGENCY NAME <b>LOWNDES</b>		3 CASE # <b>101206-17322</b>		4 SFX	
5 LAST, FIRST, MIDDLE NAME <b>ALLEN ROBERT LEE</b>		6 ALIAS AKA					
7 SEX <b>M</b> 8 RACE <b>W</b> 9 HGT. <b>5'6 063</b> 10 WGT. <b>185</b> 11 EYE <b>BRO</b> 12 HAIR <b>BLK</b> 13 SKIN <b>MED</b> 14		15 SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS					
16 PLACE OF BIRTH (CITY, COUNTY, STATE) <b>PRATTVILLE, AL</b>		17 DATE OF BIRTH <b>18 88N 2 6 7 - 7 5 - 5 6 9 1 0 M 9 0 6 6 4</b>		18 AGE <b>42</b>		19 MISCELLANEOUS ID #	
20 SID #		21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCDV SUB-SECONDARY FINAL		22 DL # <b>NA</b>		23 ST # <b>NA</b>	
24 FBI #		HENRY CLASS		25 IDENTIFICATION COMMENTS <b>N/A</b>			
26 <input type="checkbox"/> RESIDENT <input checked="" type="checkbox"/> NON-RESIDENT		27 HOME ADDRESS (STREET, CITY, STATE, ZIP) <b>1025 BLUEBERRY LRRATTVILLE AL 36105</b>		28 RESIDENCE PHONE <b>(334) 361-5408</b>		29 OCCUPATION (BE SPECIFIC) <b>NA</b>	
30 EMPLOYER (NAME OF COMPANY/SCHOOL) <b>UNEMPLOYED</b>		31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) <b>NA</b>		32 BUSINESS PHONE <b>NA</b>			
33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) <b>LCDF</b>				34 SECTOR #		35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
36 CONDITION OF ARRESTEE: <input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER <input type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS				37 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE		38 INJURIES? <input type="checkbox"/> NONE	
41 DATE OF ARREST <b>10 12 06</b>				42 TIME OF ARREST <b>7:17</b>		43 DAY OF ARREST <b>1 AM</b>	
44 CHARGE-1 <input checked="" type="checkbox"/> FEL <input type="checkbox"/> MISD <b>THEFT OF PROPERTY 1ST</b>				45 TYPE ARREST <b>ON VIEW</b>		46 ARRESTED BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	
47 STATE CODE/LOCAL ORDINANCE				48 CHARGE-2 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		49 UCR CODE	
50 STATE CODE/LOCAL ORDINANCE				51 WARRANT #		52 DATE ISSUED	
53 STATE CODE/LOCAL ORDINANCE				54 WARRANT #		55 DATE ISSUED	
56 CHARGE-3 <input type="checkbox"/> FEL <input type="checkbox"/> MISD				57 CHARGE-4 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		58 UCR CODE	
59 STATE CODE/LOCAL ORDINANCE				60 WARRANT #		61 DATE ISSUED	
62 STATE CODE/LOCAL ORDINANCE				63 WARRANT #		64 DATE ISSUED	
65 ARREST DISPOSITION <input checked="" type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED				66 IF OUT ON RELEASE WHAT TYPE?		67 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)	
						68 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	
70 VVR		71 VMA		72 VMO		73 VBT	
74 VCO TOP BOTTOM						75 TAG #	
76 VIN						77 LIV	
78 OTHER EVIDENCE SEIZED/PROPERTY SEIZED							
<input type="checkbox"/> CONTINUED IN NARRATIVE							
82 JUVENILE <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT							
DISPOSITION: <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY							
84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)				85 ADDRESS (STREET, CITY, STATE, ZIP)			
86 PARENTS EMPLOYER				87 OCCUPATION			
88 ADDRESS (STREET, CITY, STATE, ZIP)				89 PHONE ( )			
90 ADDRESS (STREET, CITY, STATE, ZIP)				91 PHONE ( )			
92 DATE AND TIME OF RELEASE <b>02/07/07 10:23 AM</b>		93 RELEASING OFFICER NAME <b>Sgt. L. Bruton</b>		94 AGENCY/DIVISION		95 ID #	
96 RELEASED TO: <b>Autauga Co</b>		97 AGENCY DIVISION <b>SO</b>		98 AGENCY ADDRESS <b>50</b>			
99 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL		100 PROPERTY # <b>PO Box 157 Hwy 42 AL 36044</b>		101 PROPERTY NOT RELEASED/HELD AT:			
102 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)							
103 SIGNATURE OF RECEIVING OFFICER <b>SGT. MONICA S. EDWARDS</b>				104 SIGNATURE OF RELEASING OFFICER			
105 SFX		106 CASE #		107 SFX		108 CASE #	
109 SFX		110 CASE #		111 SFX		112 CASE #	
113 SFX		114 CASE #		115 SFX		116 CASE #	
117 SFX		118 CASE #		119 SFX		120 CASE #	
121 SFX		122 CASE #		123 SFX		124 CASE #	
125 SFX		126 CASE #		127 SFX		128 CASE #	
129 SFX		130 CASE #		131 SFX		132 CASE #	
133 SFX		134 CASE #		135 SFX		136 CASE #	
137 SFX		138 CASE #		139 SFX		140 CASE #	
141 SFX		142 CASE #		143 SFX		144 CASE #	
145 SFX		146 CASE #		147 SFX		148 CASE #	
149 SFX		150 CASE #		151 SFX		152 CASE #	
153 SFX		154 CASE #		155 SFX		156 CASE #	
157 SFX		158 CASE #		159 SFX		160 CASE #	
161 SFX		162 CASE #		163 SFX		164 CASE #	
165 SFX		166 CASE #		167 SFX		168 CASE #	
169 SFX		170 CASE #		171 SFX		172 CASE #	
173 SFX		174 CASE #		175 SFX		176 CASE #	
177 SFX		178 CASE #		179 SFX		180 CASE #	
181 SFX		182 CASE #		183 SFX		184 CASE #	
185 SFX		186 CASE #		187 SFX		188 CASE #	
189 SFX		190 CASE #		191 SFX		192 CASE #	
193 SFX		194 CASE #		195 SFX		196 CASE #	
197 SFX		198 CASE #		199 SFX		200 CASE #	
201 SFX		202 CASE #		203 SFX		204 CASE #	
205 SFX		206 CASE #		207 SFX		208 CASE #	
209 SFX		210 CASE #		211 SFX		212 CASE #	
213 SFX		214 CASE #		215 SFX		216 CASE #	
217 SFX		218 CASE #		219 SFX		220 CASE #	
221 SFX		222 CASE #		223 SFX		224 CASE #	
225 SFX		226 CASE #		227 SFX		228 CASE #	
229 SFX		230 CASE #		231 SFX		232 CASE #	
233 SFX		234 CASE #		235 SFX		236 CASE #	
237 SFX		238 CASE #		239 SFX		240 CASE #	
241 SFX		242 CASE #		243 SFX		244 CASE #	
245 SFX		246 CASE #		247 SFX		248 CASE #	
249 SFX		250 CASE #		251 SFX		252 CASE #	
253 SFX		254 CASE #		255 SFX		256 CASE #	
257 SFX		258 CASE #		259 SFX		260 CASE #	
261 SFX		262 CASE #		263 SFX		264 CASE #	
265 SFX		266 CASE #		267 SFX		268 CASE #	
269 SFX		270 CASE #		271 SFX		272 CASE #	
273 SFX		274 CASE #		275 SFX		276 CASE #	
277 SFX		278 CASE #		279 SFX		280 CASE #	
281 SFX		282 CASE #		283 SFX		284 CASE #	
285 SFX		286 CASE #		287 SFX		288 CASE #	
289 SFX		290 CASE #		291 SFX		292 CASE #	
293 SFX		294 CASE #		295 SFX		296 CASE #	
297 SFX		298 CASE #		299 SFX		300 CASE #	
301 SFX		302 CASE #		303 SFX		304 CASE #	
305 SFX		306 CASE #		307 SFX		308 CASE #	
309 SFX		310 CASE #		311 SFX		312 CASE #	
313 SFX		314 CASE #		315 SFX		316 CASE #	
317 SFX		318 CASE #		319 SFX		320 CASE #	
321 SFX		322 CASE #		323 SFX		324 CASE #	
325 SFX		326 CASE #		327 SFX		328 CASE #	
329 SFX		330 CASE #		331 SFX		332 CASE #	
333 SFX		334 CASE #		335 SFX		336 CASE #	
337 SFX		338 CASE #		339 SFX		340 CASE #	
341 SFX		342 CASE #		343 SFX		344 CASE #	
345 SFX		346 CASE #		347 SFX		348 CASE #	
349 SFX		350 CASE #		351 SFX		352 CASE #	
353 SFX		354 CASE #		355 SFX		356 CASE #	
357 SFX		358 CASE #		359 SFX		360 CASE #	
361 SFX		362 CASE #		363 SFX		364 CASE #	
365 SFX		366 CASE #		367 SFX		368 CASE #	
369 SFX		370 CASE #		371 SFX		372 CASE #	
373 SFX		374 CASE #		375 SFX		376 CASE #	
377 SFX		378 CASE #		379 SFX		380 CASE #	
381 SFX		382 CASE #		383 SFX		384 CASE #	
385 SFX		386 CASE #		387 SFX		388 CASE #	
389 SFX		390 CASE #		391 SFX		392 CASE #	
393 SFX		394 CASE #		395 SFX		396 CASE #	
397 SFX		398 CASE #		399 SFX		400 CASE #	
401 SFX		402 CASE #		403 SFX		404 CASE #	
405 SFX		406 CASE #		407 SFX		408 CASE #	
409 SFX		410 CASE #		411 SFX		412 CASE #	
413 SFX		414 CASE #		415 SFX		416 CASE #	
417 SFX		418 CASE #		419 SFX		420 CASE #	
421 SFX		422 CASE #		423 SFX		424 CASE #	
425 SFX		426 CASE #		427 SFX		428 CASE #	
429 SFX		430 CASE #		431 SFX		432 CASE #	
433 SFX		434 CASE #		435 SFX		436 CASE #	
437 SFX		438 CASE #		439 SFX		440 CASE #	
441 SFX		442 CASE #		443 SFX		444 CASE #	
445 SFX		446 CASE #		447 SFX		448 CASE #	
449 SFX		450 CASE #		451 SFX		452 CASE #	
453 SFX		454 CASE #		455 SFX		456 CASE #	
457 SFX		458 CASE #		459 SFX		460 CASE #	
461 SFX		462 CASE #		463 SFX		464 CASE #	
465 SFX		466 CASE #		467 SFX		468 CASE #	
469 SFX		470 CASE #		471 SFX		472 CASE #	
473 SFX		474 CASE #		475 SFX		476 CASE #	
477 SFX		478 CASE #		479 SFX		480 CASE #	
481 SFX		482 CASE #		483 SFX		484 CASE #	
485 SFX		486 CASE #		487 SFX		488 CASE #	
489 SFX		490 CASE #		491 SFX		492 CASE #	
493 SFX		494 CASE #		495 SFX		496 CASE #	
497 SFX		498 CASE #		499 SFX		500 CASE #	
501 SFX		502 CASE #		503 SFX		504 CASE #	
505 SFX		506 CASE #		507 SFX		508 CASE #	
509 SFX		510 CASE #		511 SFX		512 CASE #	
513 SFX		514 CASE #		515 SFX		516 CASE #	
517 SFX		518 CASE #		519 SFX		520 CASE #	
521 SFX		522 CASE #		523 SFX		524 CASE #	
525 SFX		526 CASE #		527 SFX		528 CASE #	
529 SFX		530 CASE #		531 SFX		532 CASE #	
533 SFX		534 CASE #		535 SFX		536 CASE #	
537 SFX		538 CASE #		539 SFX		540 CASE #	
541 SFX		542 CASE #		543 SFX		544 CASE #	
545 SFX		546 CASE #		547 SFX		548 CASE #	
549 SFX		550 CASE #		551 SFX		552 CASE #	
553 SFX		554 CASE #		555 SFX		556 CASE #	
557 SFX		558 CASE #		559 SFX		560 CASE #	
561 SFX		562 CASE #		563 SFX		564 CASE #	
565 SFX		566 CASE #		567 SFX		568 CASE #	
569 SFX		570 CASE #		571 SFX		572 CASE #	
573 SFX		574 CASE #		575 SFX		576 CASE #	
577 SFX		578 CASE #		579 SFX		580 CASE #	
581 SFX		582 CASE #		583 SFX		584 CASE #	
585 SFX		586 CASE #		587 SFX		588 CASE #	
589 SFX		590 CASE #		591 SFX		592 CASE #	
593 SFX		594 CASE #		595 SFX		596 CASE #	
597 SFX		598 CASE #		599 SFX		600 CASE #	
601 SFX		602 CASE #		603 SFX		604 CASE #	
605 SFX		606 CASE #		607 SFX		608 CASE #	
609 SFX		610 CASE #		611 SFX		612 CASE #	
613 SFX		614 CASE #		615 SFX		616 CASE #	
617 SFX		618 CASE #		619 SFX		620 CASE #	
621 SFX		622 CASE #		623 SFX		624 CASE #	
625 SFX		626 CASE #		627 SFX		628 CASE #	
629 SFX		630 CASE #		631 SFX		632 CASE #	
633 SFX		634 CASE #		635 SFX		636 CASE #	
637 SFX		638 CASE #		639 SFX		640 CASE #	
641 SFX		642 CASE #		643 SFX		644 CASE #	
645 SFX		646 CASE #		647 SFX		648 CASE #	
649 SFX		650 CASE #		651 SFX		652 CASE #	
653 SFX		654 CASE #		655 SFX		656 CASE #	
657 SFX		658 CASE #		659 SFX		660 CASE #	
661 SFX		662 CASE #		663 SFX		664 CASE #	
665 SFX		666 CASE #		667 SFX		668 CASE #	
669 SFX		670 CASE #		671 SFX		672 CASE #	
673 SFX		674 CASE #		675 SFX		676 CASE #	
677 SFX		678 CASE #		679 SFX		680 CASE #	
681 SFX		682 CASE #		683 SFX		684 CASE #	
685 SFX		686 CASE #		687 SFX		688 CASE #	
689 SFX		690 CASE #		691 SFX		692 CASE #	
693 SFX		694 CASE #		695 SFX		696 CASE #	
697 SFX		698 CASE #		699 SFX		700 CASE #	
701 SFX		702 CASE #		703 SFX		704 CASE #	
705 SFX		706 CASE #		707 SFX		708 CASE #	
709							

IN THE Circuit

(Circuit or District)

COURT OF

Lowndes

, ALABAMA

STATE OF ALABAMA v. Robert Allen

Defendant

I, Robert Allen

(Defendant), as principal,

and I (we),

(Please print)

to pay the State of Alabama the sum of \$ 80,000.00 and such costs as authorized by law unless the above-named defendant appears before the district court of the county \_\_\_\_\_ (date) at \_\_\_\_\_ M. (time) (if date and time are unknown, the words "the scheduled" may be placed in the date blank and a line may be placed in the space for time) and from time to time thereafter until discharged by law or at the next session of circuit court of the county, there to await the action by the grand jury and from session to session thereafter until discharged by law to answer to the charge of

Rec. Stolen Property

or any other charge as authorized by law.

We hereby severally certify that we have property valued over and above all debts and liabilities that has a fair market value equal to or greater than the amount of the above bond and we, and each of us, waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt by the constitution and laws of the State of Alabama, and we especially waive our rights to claim as exempt our wages or salary that we have under the laws of Alabama, and our rights to homestead exemption that we have under the Constitution of Alabama and the laws of the State of Alabama, as set out in a separate writing.

It is agreed and understood that this is a consolidated bond, eliminating the necessity for multiple bonds and that it shall continue in full force and effect, until the defendant appears before the district court or circuit court, whichever has jurisdiction, to answer the above charge, and from time to time thereafter until the defendant is discharged by law, or, until such time as the undersigned sureties are otherwise duly exonerated as provided by law.

Signed and sealed this date with notice that false statements are punishable as perjury.

Signature of Defendant				(L.S.)		
Address (print)		City		State	Zip	
<u>Robert Allen</u>		<u>Dothan, AL</u>		<u>AL</u>	<u>36067</u>	
Signature of Surety/Agent of Professional Surety or Bail Company				(L.S.)		
Social Security Number		Telephone Number		Social Security Number		Telephone Number
Address (print)		City		State	Zip	
Signature of Surety/Agent of Professional Surety or Bail Company				(L.S.)		
Social Security Number		Telephone Number		Social Security Number		Telephone Number
Address (print)		City		State	Zip	

Willie Vaughn

Approved by: Judge/Magistrate/Sheriff

Carl. Anna Lee

By: Deputy Sheriff

Feb 7, 2007

Date

## Defendant's Information

Date of Birth <u>9/6/1964</u>	Sex <u>M</u>	Height <u>6'3</u>	Weight <u>195</u>	Employer
Social Security Number <u>267-75-5691</u>	Race <u>BLK</u>	Hair <u>BLK</u>	Eyes <u>Brown</u>	Employer's Address
Driver's License Number <u>( )</u>	State <u>( )</u>	Telephone Number <u>(334) 361-5408</u>	Employer's Telephone Number	

2EX.10:43 02/07/2007 9860037  
AM.AL0040002.AL0450000,AL0450001,AL0040000.

## URGENT NOTICE OR REQUEST

TO:LOWNDES COUNTY JAIL

REF: ROBERT LEE ALLEN B/M 9-1-64

PLEASE PLACE A DETAINER ON THIS PERSON WE HOLD WARRANTS ON THIS PERSON  
PICKUP WHEN HE IS READY TO BE RELEASED.

AUTH/SHERIFF JOHNSON

SEQ # 0060 MRI # 9860037

IN THE DISTRICT COURT OF AUTAUGA COUNTY  
STATE OF ALABAMA VS ALLEN ROBERT LEE

WHEREAS, ON SEPTEMBER 21, 2006, AN ORDER WAS DULY MADE BY  
PHILLIP W WOOD OF THE DISTRICT COURT OF THIS COUNTY AND  
ISSUED BY THE CLERK OF SAID COURT COMMANDING YOU TO HAVE  
ALLEN ROBERT LEE (B;M;09011964;AIS#: 0 0), A STATE CONVICT,  
PRESENTLY HOUSED AT Howard Co BEFORE SAID COURT ON OCTOBER 12, 2006  
IN A CAUSE NOW PENDING IN SAID COURT WHEREIN THE STATE OF ALABAMA IS  
PLAINTIFF AND THE TESTIMONY OF THE ABOVE NAMED PRISONER BEING MATERIAL  
AND NOT OBTAINABLE FROM ANY OTHER SOURCE.

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:  
YOU ARE COMMANDED TO HAVE THE ABOVE NAMED PRISONER BEFORE SAID  
COURT ON SAID DAY ACCORDING TO THE MANDATE OF THIS WRIT.

THEREAFTER, IT IS ORDERED THAT THE SHERIFF OF THIS COUNTY OR ANY OF HIS DEPUTIES, RETURN SAID DEFENDANT TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS IMMEDIATELY UPON COMPLETION OF THE SCHEDULED COURT PROCEEDINGS, AND THE DEPARTMENT OF CORRECTIONS IS ORDERED TO RECEIVE SAID DEFENDANT UPON HIS RETURN.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND THIS SEPTEMBER 21, 2006

8:30 A.M. BENCH TRIAL  
CRIMINAL TRESPASS 3RD - 13A-007-004

ACR365

ORDER FOR INMATE RETURN

DC 2006 000214.00

IN THE DISTRICT COURT OF AUTAUGA COUNTY  
STATE OF ALABAMA VS ALLEN ROBERT LEE

WHEREAS, ON SEPTEMBER 21, 2006, AN ORDER WAS DULY MADE BY  
PHILLIP W WOOD OF THE DISTRICT COURT OF THIS COUNTY AND  
ISSUED BY THE CLERK OF SAID COURT COMMANDING YOU TO HAVE  
ALLEN ROBERT LEE (B;M;09011964;AIS#: 0 0), A STATE CONVICT,  
PRESENTLY HOUSED AT \_\_\_\_\_ BEFORE SAID COURT ON OCTOBER 12, 2006  
IN A CAUSE NOW PENDING IN SAID COURT WHEREIN THE STATE OF ALABAMA IS  
PLAINTIFF AND THE TESTIMONY OF THE ABOVE NAMED PRISONER BEING MATERIAL  
AND NOT OBTAINABLE FROM ANY OTHER SOURCE.

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:  
YOU ARE COMMANDED TO HAVE THE ABOVE NAMED PRISONER BEFORE SAID  
COURT ON SAID DAY ACCORDING TO THE MANDATE OF THIS WRIT.

THEREAFTER, IT IS ORDERED THAT THE SHERIFF OF THIS COUNTY OR ANY OF HIS DEPUTIES, RETURN SAID DEFENDANT TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS IMMEDIATELY UPON COMPLETION OF THE SCHEDULED COURT PROCEEDINGS, AND THE DEPARTMENT OF CORRECTIONS IS ORDERED TO RECEIVE SAID DEFENDANT UPON HIS RETURN.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND THIS SEPTEMBER 21, 2006

---

WHIT MONCRIEF

---

---

**CLERK**

8:30 A.M. BENCH TRIAL  
CRIMINAL TRESPASS 3RD - 13A-007-004

## ALABAMA UNIFORM ARREST REPORT

Fingerprinted	884 Completed
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # <b>AL0450000</b>		2 AGENCY NAME <b>LOWNDES</b>		3 CASE # <b>080806-17322</b>		4 SFX	
5 LAST, FIRST, MIDDLE NAME <b>ALLEN ROBERT LEE</b>		6 ALIAS AKA <b>NA</b>					
7 SEX <b>M</b> 8 RACE <b>W</b> 9 NAT. <b>USA</b> 10 WGT. <b>603</b> 11 EYE <b>BRO</b> 12 HAIR <b>BLK</b> 13 SKIN <b>MED</b>		14 SCARS <input type="checkbox"/> 15 MARKS <input type="checkbox"/> 16 TATTOOS <input type="checkbox"/> 17 AMPUTATIONS <input type="checkbox"/>					
18 PLACE OF BIRTH (CITY, COUNTY, STATE) <b>PRATTVILLE AL.</b>		19 SSN <b>2 6 7 - 7 5 - 5 6 9 1</b>		20 DATE OF BIRTH <b>0 9 0 6 6 4</b>		21 AGE <b>42</b>	
22 SICK <input type="checkbox"/> 23 FINGERPRINT CLASS <b>HENRY CLASS</b> KEY <b>NA</b> MAJOR <b>NA</b> PRIMARY <b>NA</b> SCDV <b>NA</b> SUB-SECONDARY <b>NA</b> FINAL <b>NA</b>		24 FBI # <b>NA</b>		25 NCIC CLASS <b>NA</b>		26 IDENTIFICATION COMMENTS <b>NA</b>	
27 RESIDENT <input type="checkbox"/> NON-RESIDENT <input checked="" type="checkbox"/>		28 HOME ADDRESS (STREET, CITY, STATE, ZIP) <b>1025 BLUEBERRY LN RATTVILLE AL.36105</b>		29 RESIDENCE PHONE <b>(334) 361-5408</b>		30 OCCUPATION (BE SPECIFIC) <b>NA</b>	
31 EMPLOYER (NAME OF COMPANY/SCHOOL) <b>UNEMPLOYED</b>		32 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) <b>NA</b>		33 BUSINESS PHONE <b>NA</b>		34 BUSINESS PHONE <b>NA</b>	
35 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) <b>CO. RD. 40</b>				36 SECTOR #		37 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
						IN STATE <input type="checkbox"/> OUT STATE <input type="checkbox"/> AGENCY <input type="checkbox"/>	
38 CONDITION OF ARRESTEE: <input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER		39 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OFFICER		40 INJURIES? <input checked="" type="checkbox"/> NONE		41 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
ARRESTEE: <input type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS						42 DESCRIPTION OF WEAPON <input type="checkbox"/> HANDGUN <input type="checkbox"/> OTHER FIREARM	
						43 RIFLE <input type="checkbox"/> SHOTGUN <input type="checkbox"/> OTHER WEAPON	
44 DATE OF ARREST <b>0 8 0 8 0 6</b>		45 TIME OF ARREST <b>7:09</b>		46 DAY OF ARREST <b>1. AM</b>		47 TYPE ARREST <b>ONVIEW</b>	
48 CHARGE-1 <input checked="" type="checkbox"/> FEL <input type="checkbox"/> MISD		49 CHARGE-2 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD		50 CHARGE-3 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD		51 CHARGE-4 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD	
THEFT OF PROPERTY 1ST		2305		52 CHARGE-5 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD		53 CHARGE-6 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD	
54 STATE CODE/LOCAL ORDINANCE		55 WARRANT #		56 STATE CODE/LOCAL ORDINANCE		57 WARRANT #	
58 STATE CODE/LOCAL ORDINANCE		59 WARRANT #		60 STATE CODE/LOCAL ORDINANCE		61 WARRANT #	
62 DATE ISSUED		63 DATE ISSUED		64 DATE ISSUED		65 DATE ISSUED	
66 ARREST DISPOSITION		67 IF OUT ON RELEASE		68 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		69 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	
HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED		WHAT TYPE? <i>Autauga Co.</i>					
70 VNR		71 VMA		72 VMO		73 VST	
74 VCO TOP				75 TAG #		76 LIS	
77 BOTTOM						78 LIV	
79 VIN				80 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		81 STORAGE LOCATION/IMPOUND #	
82 OTHER EVIDENCE SEIZED/PROPERTY SEIZED <input type="checkbox"/> CONTINUED IN NARRATIVE							
83 JUVENILE <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT							
DISPOSITION: <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY							
84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)				85 ADDRESS (STREET, CITY, STATE, ZIP)		86 PHONE ( )	
87 PARENTS EMPLOYER		88 OCCUPATION		89 ADDRESS (STREET, CITY, STATE, ZIP)		90 PHONE ( )	
91 DATE AND TIME OF RELEASE <b>10/10/06 7:21 AM</b>		92 RELEASING OFFICER NAME <b>SO</b>		93 AGENCY/DIVISION		94 ID #	
95 RELEASED TO <b>Autauga Co.</b>		96 AGENCY/DIVISION		97 AGENCY ADDRESS <b>PO. BOX 157 Hwyneville Al 36040</b>			
98 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL		99 PROPERTY NOT RELEASED/HELD AT:		100 PROPERTY			
101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)							
102 SIGNATURE OF RECEIVING OFFICER <b>CPL. L.TAYLOR</b>		103 SIGNATURE OF RELEASING OFFICER <b>Sgt Cottrell</b>		104 STATUS <b>1</b>		105 ADDITIONAL CASES CLOSED NARRATIVE <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
106 CASE #		107 CASE #		108 CASE #		109 SFX	
110 CASE #		111 CASE #		112 CASE #		113 CASE #	
114 ID #		115 ID #		116 ID #		117 ID #	
118 ID #		119 ID #		120 ID #		121 ID #	
122 ARRESTING OFFICER (LAST, FIRST, M.) <b>INV. LEE</b>							
123 ARRESTING OFFICER (LAST, FIRST, M.) <b>205 DEP. HARRIS</b>							
124 SUPERVISOR <b>208</b>							
125 WATCH CMDR. <b>ID #</b>							

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-90

## **Exhibit 2**

## **Menu**

## COOK BY MENU

<p><b>MONDAY</b></p> <p><b>BREAKFAST:</b> GRITS : TOAST : ASSORTED MEAT, JELLY, <del>MILK</del> <i>Coffee</i></p> <p><b>LUNCH:</b> HOT DOG : FRENCH FRIES : GREEN SALAD : FRUIT</p> <p><i>Black Eye Peas</i> <b>SUPPER:</b> <del>TURNIP GREENS</del> : SMOKE SAUSAGE : CORN BREAD : CAKE</p> <p><b>SUBSTITUTE:</b> PORK &amp; BEANS : COLLARD GREENS : BEEF PATTIES</p>	<p><b>TUESDAY</b></p> <p><i>Jelly</i> <b>BREAKFAST:</b> HASH BROWN : KETSUP : MEAT : BISCUIT : COFFEE</p> <p><i>Spaghetti</i> <b>LUNCH:</b> TUNA : GREEN SALAD : BREAD : SALAD DRESSING : JUICE</p> <p><b>SUPPER:</b> LIMA BEANS : CORNBREAD : FRIED CHICKEN : TEA</p> <p><b>SUBSTITUTE:</b> PINTO BEANS : BLACK EYE PEAS</p>
<p><b>WEDNESDAY</b></p> <p><b>BREAKFAST:</b> PANCAKES : SYRUP : EGGS OR ASSORTED MEAT : <del>MILK</del></p> <p><b>LUNCH:</b> HAM : LETTUCE : TOMATOE : FRENCH FRIES : FRUIT : JUICE</p> <p><b>SUPPER:</b> CHILI MAC : GREEN BEANS : GREEN SALAD : BREAD : TEA</p>	<p><b>THURSDAY</b></p> <p><b>BREAKFAST:</b> BISCUIT : JELLY : GRITS : ASSORTED MEAT : COFFEE</p> <p><b>LUNCH:</b> CHICKEN PATTIES : PORK &amp; BEANS : FRIES : BREAD : JUICE</p> <p><b>SUPPER:</b> STEWED CHICKEN : RICE : BISCUIT : SM SALAD : TEA</p> <p><b>SUBSTITUTE:</b> CORN : CORN BREAD DRESSING</p>
<p><b>FRIDAY</b></p> <p><b>BREAKFAST:</b> GRITS : MEAT : TOAST : JELLY : FRUIT</p> <p><i>Chicken</i> <b>LUNCH:</b> Finger <i>Fries</i> BEEF PATTIES : GRAVY : CREAM <i>Fries</i> POTATOES : SWEEPER PEAS : BISCUIT</p> <p><b>SUPPER:</b> <i>Creamed Peas</i> PINTO BEANS : BBQ CHICKEN : GREEN SALAD : CORN BREAD</p> <p><i>Green Beans</i></p>	<p><b>WEEKEND</b></p> <p>PLEASE FOLLOW MENU : ANY SUBSTITUTE OR CHANGE OF MENU PLEASE LET JAIL STAFF KNOW A DAY BEFORE.</p> <p>NOTE: PLEASE USE YOUR GLOVES AND HAIR NETS.</p> <p>NO SANDWICHES ON WEEKEND</p> <p>THANKS LAURA GRESHAM/ JAIL ADMINISTRATOR</p>

**Exhibit 3**  
**Food Establishment/Retail food Store Inspection**  
**Report**

## ALABAMA DEPARTMENT OF PUBLIC HEALTH

## FOOD ESTABLISHMENT / RETAIL FOOD STORE INSPECTION REPORT

Lowndes

COUNTY HEALTH DEPARTMENT

SCORE 99

LEGAL NOTICE TO THE PROPRIETOR OR MANAGER: You are respectfully notified of such violations of the Alabama State Board of Health Rules for Food Establishment Sanitation as are indicated by a circle in the Inspection Report. This report constitutes an official notice to comply with Chapter 420-3-22 of the aforesaid Rules within a period of days. Failure to comply with this notice may result in cessation of food service food store operations.

ESTABLISHMENT NAME	Lowndes County			OWNER OR MANAGER NAME	Lowndes County Commission		
ADDRESS	653 Hwy 27 South			ZIP CODE	36440		
PERMIT NUMBER	MO.	DAY	YEAR	INSP. TIME	PERMITTED	PRIORITY CAT.	COMPLIANCE VISIT/INSP. REQUIRED
INFL 01	01	23	07	OUT	YES <input type="checkbox"/>		YES <input type="checkbox"/> NO <input type="checkbox"/>
				IN	NO <input type="checkbox"/>		NO. OF CRITICAL ITEMS _____

\*CRITICAL ITEMS REQUIRING IMMEDIATE ACTION

## MANAGEMENT AND PERSONNEL

01*	Assignment of person in Charge; Commissary used. Personnel with infections restricted, excluded. No discharges from eyes, nose, mouth.	5
02*	Hands clean, properly washed. No bare hand contact; approved alternative. No eating, drinking, tobacco use.	5
03*	Demonstration of knowledge: Approved course, other requirements met.	12
04	Clean clothes, Hair restraints; Nails. Authorized personnel. Other.	15

## FOOD

05*	Safe; Source; Condition; Not adulterated; Shellstock tags: Compliance with plan/ROP. Other.	5
06*	Potentially hazardous food meets temperature requirements during receiving, cooking, hot holding, cooling. Pasteurized eggs used if required.	5
07*	Potentially hazardous food meets temperature requirements during cold holding. Time as a public health control. Consumer Advisory used if required.	5
08*	Food separated, protected from contamination. Tasting, Returned, reservice of food.	5
09	Cooling methods. Facilities to maintain product temperature. Plant food cooking.	5
10	Properly labeled; Original container. Records. Code date limits.	5
11	Thermometers provided, accurate, conspicuous.	1
12	Approved thawing methods used.	1
13	Food contamination prevented during storage, preparation, display, handling, other.	1
14	In use, between use, food/ice dispensing utensils properly stored.	1

## EQUIPMENT, UTENSILS, AND LINENS

15*	Equipment; food contact surfaces (non-cooking) clean; sanitized. Sanitization temperature, concentration, time.	5
16*	Food contact surfaces characteristics. Single service/use used when required.	4
17	Cooking surfaces, non-food contact surfaces: clean. Frequency; Methods.	1
18	Food (ice), Non-food contact surfaces: constructed, cleanable, installed, located.	1
19	Warewashing facilities: designed, constructed, maintained, installed, located, operated. Accurate thermometers, Chemical test papers.	1
20	Linens properly stored, dried, handled. Laundry facilities used.	1
21	Wiping cloths: clean, use limitations, stored.	1
22	Storage, handling, drying of clean equipment, utensils.	1
23	Single service articles, storage, dispensing, wrapped, Use limitations. Gloves used properly.	1

RECEIVED BY: Name Laura H  
Title Customer

REMARKS \_\_\_\_\_

## WATER, PLUMBING, AND WASTE

24*	Water: Source, Quality, Capacity, System; Approved.	4
25*	Sewage, grease disposal: System approved; Flushed (mobile).	4
26*	Cross connection; Back siphonage; Backflow.	4
27*	Handwashing facilities; Toilets: Number, location.	4
28	Water supply/waste disposal: Approved system; fixtures, materials, design, operation; maintenance. Other liquid wastes properly disposed. Service sink provided.	1
29	Handwashing facilities: Soap, towels/drying device, sign, use restrictions.	2
30	Toilet rooms constructed, supplied.	1
31	Refuse, recyclables, and returnables. Outdoor/Indoor storage area approved. Receptacles provided; covered. Approved refuse disposal method.	1

## PHYSICAL FACILITIES

32*	Food contamination from cleaning equipment prevented.	4
33*	Presence of insects, rodents, other pests, Animals prohibited.	4
34	Pests control methods approved, used. Pest control devices serviced as required.	1
35	Premises, Free of litter, harborage.	1
36	Floors, walls, ceilings, attached equipment: clean. Outer openings protected. Surface characteristics, indoor, outdoor: Maintained. Cleaning frequency, dustless methods. Absorbent floor materials properly used.	2
37	Lighting, Ventilation: adequate. Ventilation system (filters), clean, operated. Lights shielded.	1
38	Dressing rooms provided. Employee designated areas properly located. Living/sleeping quarters separation.	1
39	Cleaning, maintenance tools properly stored.	1

## POISONOUS OR TOXIC MATERIALS

40*	Toxic or poisonous items; Medicines; First aid materials stored; Labeled; Used.	4
41	Other personal care/first aid items: Stored; Labeled. Toxic or poisonous materials separation; Non-toxic tracking powder.	1

## OTHER

42	Permit, Report, Other properly posted. Administrative requirements, HACCP plan.	1
----	---	---

INSPECTED BY: Name Patrick J. Dandy

**Exhibit 4**  
**Inmate Request Forms dated 9/12/06; 09/06/06;**  
**09/07/06; 09/08/06; 09/14/06; 08/18/06; 08/10/06; and**  
**09/19/06**

## INMATE REQUEST FORM

DATE: 9/12/06  
NAME: Rodney AllenTIME: 00:00 HR  
BOOKING# CELE# A-1

Please check ONLY ONE of the following:

GRIEVANCE  
 APPEAL OF DISCIPLINARY  
 LAUNDRY  
 CHARGES/ BOND INFORMATION  
 MONEY INFORMATION

MEDICAL/ DENTAL  
 PROPERTY  
 VISITATION  
 MAIL  
 OTHER

Briefly state your request then give to an officer

Spider Bite on Stomach And not  
using the Bath room 18 days  
This is my last Request I am putting  
in About this Matter

DO NOT WRITE BELOW THIS LINE - FOR REPLY ONLY

OFFICER RECEIVING

REQUEST \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

The receiving officer will route all Inmate Request Forms to the appropriate supervisor or to administration for disposition.

ACTION TAKEN

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Action taken by: \_\_\_\_\_

Signature

Note: Please print all information.

Name: Robert Allen Cell: 111  
Date: 9/6/06 Time:   
SSN: 267-25-8691 DOB: 9/16/66 Race/Sex: B MA

Please check one of the following:

Appeal of Grievance/Disciplinary       Court Date Information  
 Bond Information       Medical Information  
 Charges Information       Classification Information  
 Commissary/ Money Clerk Information       Visitation Information  
 Request To Visit Law Library

Briefly State Your Request Then Give To Jail Officer

I havent been to the bath room  
in 10 days I need to see you right away  
to resolve this matter my stomach feels like I  
got a brick inside of it!  
Thank you for your speedy cooperation  
DO NOT WRITE BELOW THIS LINE--FOR STAFF USE ONLY

Officer Receiving Request:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Date: \_\_\_\_\_

ACTION TAKEN

Time: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INMATE REQUEST FORM**

DATE: 9/07/06 TIME: 6:00  
NAME: Robert + Allin BOOKING#  CELL# A-1

Please check ONLY ONE of the following:

<input type="checkbox"/> GRIEVANCE	<input checked="" type="checkbox"/> MEDICAL/ DENTAL
<input type="checkbox"/> APPEAL OF DISCIPLINARY	<input type="checkbox"/> PROPERTY
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> VISITATION
<input type="checkbox"/> CHARGES/ BOND INFORMATION	<input type="checkbox"/> MAIL
<input type="checkbox"/> MONEY INFORMATION	<input type="checkbox"/> OTHER

**Briefly state your request then give to an officer**

I still haven't went to the Bathroom  
the Fiber Laxitive did not work

**DO NOT WRITE BELOW THIS LINE - FOR REPLY ONLY**

---

OFFICER RECEIVING  
REQUEST \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

The receiving officer will route all Inmate Request Forms to the appropriate supervisor or to administration for disposition.

**ACTION TAKEN**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

---

---

---

## INMATE REQUEST FORM

DATE: 9/8/08TIME: 8:00NAME: Robert AllenBOOKING#  CELE# A-1Please check ONLY ONE of the following:

GRIEVANCE  
 APPEAL OF DISCIPLINARY  
 LAUNDRY  
 CHARGES/ BOND INFORMATION  
 MONEY INFORMATION

MEDICAL/ DENTAL  
 PROPERTY  
 VISITATION  
 MAIL  
 OTHER

Briefly state your request then give to an officer

A Spider bite on my stomach  
2 times


---



---



---

DO NOT WRITE BELOW THIS LINE - FOR REPLY ONLY

OFFICER RECEIVING

REQUEST \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

The receiving officer will route all Inmate Request Forms to the appropriate supervisor or to administration for disposition.

ACTION TAKEN

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

---



---



---



---

Action taken by: \_\_\_\_\_

Signature

## INMATE REQUEST FORM

DATE: 9/14/06TIME: 0600NAME: Robert AllenBOOKING# CELE# A-1Please check ONLY ONE of the following:

GRIEVANCE  
 APPEAL OF DISCIPLINARY  
 LAUNDRY  
 CHARGES BOND INFORMATION  
 MONEY INFORMATION

MEDICAL/ DENTAL  
 PROPERTY  
 VISITATION  
 MAIL  
 OTHER

Briefly state your request then give to an officer

I Need to Go And see A Doctor  
For this Spider Bite

DO NOT WRITE BELOW THIS LINE - FOR REPLY ONLY

OFFICER RECEIVING

REQUEST

Sgt. CottrellDATE: 9-14-06TIME: 7:35

The receiving officer will route all Inmate Request Forms to the appropriate supervisor or to administration for disposition.

ACTION TAKEN

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

Action taken by:

Signature

Note: Please print all information.

Name: Robert Lee Allen Cell: A-1  
Date: 8/18/06 Time: 0900 HRS  
SSN: 267-75 5691 DOB: 9/1/64 Race/Sex: BLK/m

Please check one of the following: 3

Appeal of Grievance/Disciplinary  Court Date Information  
 Bond Information  Medical Information  
 Charges Information  Classification Information  
 Commissary / Money Clerk Information  Visitation Information

Request To Visit Law Library

Thank you!

for your cooperation

Briefly State Your Request Then Give To Jail Officer

Severe Head Aches

DO NOT WRITE BELOW THIS LINE--FOR STAFF USE ONLY

Officer Receiving Request: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

ACTION TAKEN Time: \_\_\_\_\_

Note: Please print all information.

Name: Robert Allen Cell: BK 2  
Date: 8/10/06 Time: \_\_\_\_\_  
SSN: 267-75-5691 DOB: 9/1/64 Race/Sex: B/m

Please check one of the following:

Appeal of Grievance/Disciplinary       Court Date Information  
 Bond Information       Medical Information  
 Charges Information       Classification Information  
 Commissary / Money Clerk Information       Visitation Information  
 Request To Visit Law Library

Briefly State Your Request Then Give To Jail Officer

I Got Hit in the eye After being Arrested  
And i can't see nothing but shadows out of it  
its been 3 days ago when it happen I had surgery  
on that eye it was remove And put back in to  
take out A Tumor whit Malignant Transformation

DO NOT WRITE BELOW THIS LINE--FOR STAFF USE ONLY

Officer Receiving Request: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Date: \_\_\_\_\_ ACTION TAKEN Time: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## INMATE REQUEST FORM

DATE: 9/19/06TIME: 0600NAME: Robert AllenBOOKING#  CEL# A-1Please check ONLY ONE of the following:

GRIEVANCE  
 APPEAL OF DISCIPLINARY  
 LAUNDRY  
 CHARGES BOND INFORMATION  
 MONEY INFORMATION

MEDICAL/ DENTAL  
 PROPERTY  
 VISITATION  
 MAIL  
 OTHER

Briefly state your request then give to an officer

I would like to speak with the Chief  
URGent!

Thank You!

DO NOT WRITE BELOW THIS LINE - FOR REPLY ONLY

OFFICER RECEIVING

REQUEST

Sgt. Cottrell DATE: 9-19-06 TIME: 7:58

The receiving officer will route all Inmate Request Forms to the appropriate supervisor or to administration for disposition.

ACTION TAKEN

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

Approved by:

S. COTTRELL

**Exhibit 5**  
**Prescription for Robert Allen dated 09/06/06**

## HEALTH SERVICES, INC.

Autaugaville Family  
Health Center  
203 N. Taylor Street  
Autaugaville, AL 36003  
(334) 365-4524  
DEA: AH 330681 • Medicaid No. 60027

Clanton Family  
Health Center  
104 Popwell Avenue  
Clanton, AL 35045  
(205) 755-3980

Lowndes County Health  
Services Association  
100 Oak Street  
Hayneville, AL 36040  
(334) 548-2516

Goodwater Family  
Health Center  
252 South Main St  
Goodwater, AL 35072  
(256) 839-1758

Eclectic Family  
Health Center  
145 Main Street  
Eclectic, AL 36024  
(334) 541-2116

DEA: BM 3876541 • Medicaid No. 02635



Medical Dept. Physicians

Name:

Date:

9/10/06

Address:

mg./cc.	NO.	SIG.	Ref.
Doxepin	50mg	qd	T P-6-7 id
(Atenolol)	-	160mg	T Tablespoon 2x day
Do not fill			

DRUG  
TOTAL

Seema Maheshwari, M.D.  
22924George G. Thomas, M.D.  
11533Oluyinka Adediji, M.D.  
24570Vanessa Brown, CRNP  
1-040187-1193Gabriel U. Nazareno, M.D.  
23197F. David Jones, CRNP  
1-073567-1810

Label all prescriptions  
NO REFILLS  
DEA NO: \_\_\_\_\_

Product Selection Permitted

Dispense as written

HSI Form 232 (old 001)

RELEASE/ DC	NAME	DRUG	STOP DATE	GROUP	RX#
-------------	------	------	-----------	-------	-----

	ALLEN, ROBERT	DOXEPIN 50MG CAPSULE	10/21/2006	LA	6464791
--	---------------	----------------------	------------	----	---------

Signature \_\_\_\_\_

**Exhibit 6**  
**Jail Inspection Report dated February 8, 2006**

## STATE OF ALABAMA



## DEPARTMENT OF CORRECTIONS

Engineering Administrative Division  
2265 Marion Spillway Road  
Elmore, Alabama 36025  
(205) 567-1556

## JAIL INSPECTION REPORT

Sheriff/Chief of Police WILLIE UNICOM  
City HOYNEVILLE  
County LOWNDES  
Phone No. \_\_\_\_\_Jail LOWNDES COUNTY  
Date 2-8-2007  
Time 9:35 AM  
Inspector SIDNEY KIDDEN

This is to report conditions of your jail as of this date of inspection. Please carefully note and make needed corrections. These adjustments are necessary to bring your facility into compliance with the standards set forth in Title 14, Code of Alabama, 1975.

—CHECK MARK Indicates most accurate description—

WHAT GOVERNING BODY  
HAS SUPERVISORY POWER?City Council \_\_\_\_\_ County Commission POPULATION: 882STATE  
W/M \_\_\_\_\_ B/M \_\_\_\_\_ W/F \_\_\_\_\_ B/F \_\_\_\_\_ TOTAL \_\_\_\_\_COUNTY  
W/M \_\_\_\_\_ B/M \_\_\_\_\_ W/F \_\_\_\_\_ B/F \_\_\_\_\_ TOTAL \_\_\_\_\_CITY  
W/M \_\_\_\_\_ B/M \_\_\_\_\_ W/F \_\_\_\_\_ B/F \_\_\_\_\_ TOTAL \_\_\_\_\_FEDERAL  
W/M \_\_\_\_\_ B/M \_\_\_\_\_ W/F \_\_\_\_\_ B/F \_\_\_\_\_ TOTAL \_\_\_\_\_JUVENILES  
W/M \_\_\_\_\_ B/M \_\_\_\_\_ W/F \_\_\_\_\_ B/F \_\_\_\_\_ TOTAL 70GRAND TOTAL 70

## JAIL CAPACITY:

MALE  FEMALE  JUVENILE  TOTAL 111

1. Are Female Prisoners housed separately? ... YES  NO  NONE
2. Are separate quarters available for Juveniles? ... YES  NO  NONE
3. Number of state inmates ON WAIVER \_\_\_\_\_

## JAIL EMPLOYEES:

1. Number of Jailers ..... 4
2. Number of Matrons ..... 4
3. Other Employees .....
4. Are Jailers POST Certified? ..... YES  NO

## BUILDING:

## GENERAL APPEARANCE:

1. Exterior ..... Poor  Fair  Good
2. Interior ..... Poor  Fair  Good
3. Fence ..... Poor  Fair  Good  None
4. Yard ..... Poor  Fair  Good  None

5. Type of Construction: ... Brick  Cement  Wood  Other
6. Year Constructed: 1949

7. Types of Locking Devices: ..... Manual  Electric

8. Condition of Locking Devices: .... Poor  Fair  Good  None

9. Observation

10. Windows: ..... Poor  Fair  Good  None
11. Screens: ..... Poor  Fair  Good  None
12. Grills: ..... Poor  Fair  Good  None
13. Windows: ..... Poor  Fair  Good  None
14. Cells: ..... Poor  Fair  Good  None

## SAFETY FEATURES:

1. Emergency Exits: ... Poor  Fair  Good  None
2. Fire Apparatus: ... Poor  Fair  Good  None
3. Stairways: ..... Poor  Fair  Good  None
4. Elevators: ..... Poor  Fair  Good  None

5. Is there an EMERGENCY (fire) EVACUATION plan POSTED? ... YES  NO
6. Are Fire and Safety precautions observed? ..... YES  NO   
If NOT, explain in Comments section.

## TRAINING:

IN-SERVICE: ..... YES  NO   
Other: \_\_\_\_\_ARE OPERATING PROCEDURES WRITTEN? ..... YES  NO IS THERE A PRINTED MANUAL? ..... YES  NO 

## JAIL RECORDS:

1. Arrest Record ..... YES  NO
2. Are personal property and cash received? ..... YES  NO
3. Visits ..... YES  NO
4. Medical ..... YES  NO
5. Commitment and Discharges ..... YES  NO   
Are Jail Records Adequate? ..... YES  NO   
Are Prisoners Fingerprinted? ..... YES  NO   
Are Prisoners Photographed? ..... YES  NO

## SECURITY:

1. Is the jail reasonably secure? ..... YES  NO
2. Are periodic inspections made of security facilities? ..... YES  NO
3. Are firearms stored safely? ..... YES  NO   
Where are they stored? LOCK BOXES

4. Are there regulations prohibiting carrying of firearms into the Jail? ..... YES  NO

5. KEY CONTROL:  
Are keys ever in possession of inmates? ..... YES  NO

- Are keys properly stored and accounted for? ..... YES  NO

6. How often are prisoners quarters visited? CA 7 V  
REVIEW

7. Is jailer on duty 24 hours daily? ..... YES  NO

8. Are CHECKS conducted at night? ..... YES  NO   
Are CHECKS logged? ..... YES  NO

9. Are complete SHAKEDOWNS accomplished? .... YES  NO

10. Are periodic COUNTS conducted? ..... YES  NO

11. Are CONTRABAND CONTROL procedures in effect? .. YES  NO

## 12. INMATE VISITS:

When are visits allowed?  
Daily  Semi-Weekly  Weekly  Other

Who is allowed to visit inmates?

Relatives  YES  NO   
Friends  YES  NO   
Clergy  YES  NO

Are CONTACT VISITS allowed? .. YES  NO

## 13. INMATE MAIL:

Are INCOMING MAIL and packages INSPECTED? .. YES  NO

14. Do new prisoners receive instructions about JAIL RULES? ... YES  NO   
Are these instructions: VERBAL  WRITTEN

## 15. TRUSTIES:

Are TRUSTIES used? .. YES  NO   
Who selects the TRUSTIES?

Sheriff/Chief  Jailer  Other

16. Are inmates in UNIFORM? .. YES  NO

Coveralls  Pants & Shirts   
Are uniforms MARKED? .. YES  NO

## DISCIPLINARY PROCEDURES:

1. Does the jail hold DISCIPLINARY HEARINGS? .. YES  NO

2. Who exercises disciplinary authority?  
Sheriff/Chief  Jailer  Other

## FOOD SERVICES:

General Condition

Kitchen .. POOR  FAIR  GOOD   
Tables .. POOR  FAIR  GOOD   
Shelves .. POOR  FAIR  GOOD   
Screens .. POOR  FAIR  GOOD

1. Is the cook paid? .. YES  NO

2. Who supervises the Kitchen?  STEWART

3. Who plans the Menu?  DIAZ

4. Do inmates assist in food preparation? .. YES  NO

5. What type of eating utensils are used?  
Plastic  Paper  Metal  Other

Are the utensils washed? .. YES  NO

How Washed? .. HAND  SANITIZER

6. Are the standards of sanitation adequate? .. YES  NO

7. Is copy of menu available on the date of inspection? .. YES  NO

8. Do paid employees supervise the serving of meals? .. YES  NO

9. Is the diet adequate? .. YES  NO

10. Number of meals served per day?  
1  2  3

11. Food Preparation .... POOR  FAIR  GOOD

Quality .. POOR  FAIR  GOOD

Quantity .. POOR  FAIR  GOOD

12. Storage of Food .... POOR  FAIR  GOOD

Refrigeration .. POOR  FAIR  GOOD

13. Are Commissary (or store) purchases available to inmates? .. YES  NO

## SANITATION AND PERSONAL HYGIENE:

1. Is there a systematic CLEANING PROGRAM in effect? .. YES  NO

2. Are adequate TOOLS and CLEANING MATERIALS available? YES  NO

3. What type of BEDDING is provided? Sheets  Blankets   
Mattress Cover  Pillow  Pillow Case

HOW OFTEN IS BEDDING LAUNDERED?  
Semi-Weekly  Weekly  Other

4. Are excessive FOOD or unnecessary ITEMS in CELLS? ... YES  NO

5. Is DRINKING WATER available at all times? .. YES  NO

6. Are HOT and COLD WATER available for bathing? .. YES  NO

7. Are HEATING and VENTILATION adequate? .. YES  NO

8. Is LIGHTING adequate? .. YES  NO

9. Condition of PAINT?  
Interior .. POOR  FAIR  GOOD   
Exterior .. POOR  FAIR  GOOD

10. Are BATHING FACILITIES available to all inmates? .. YES  NO

11. Are SOAP and TOWELS available? .. YES  NO

12. HOW OFTEN are inmates REQUIRED TO BATHE?  
Daily  Semi-Weekly  Weekly  Other

13. CONDITION OF PLUMBING  
Are there LEAKING PIPES  
In the Jail? .. YES  NO

COMMODES .... POOR  FAIR  GOOD

LAVATORIES .... POOR  FAIR  GOOD

SHOWERS .... POOR  FAIR  GOOD

14. Does the Jail have a PEST CONTROL program? .. YES  NO

How often treated?  MONTHLY

By Whom?  Contract

## MEDICAL SERVICE:

1. Name of PHYSICIAN?  HENRY SANCHEZ

2. How often do physicians visit the jail/facility?  
Daily  Weekly  On-Call   
Other (specify)

3. What HOSPITAL facilities are used for inmates?  GIL ENVIR   
1700 17th

4. Is the Venereal Disease Act enforced?  
(Title 22, Chapter 16-72) .. YES  NO

## INMATE PROGRAMS:

1. Are Counseling Services available? .. YES  NO

2. Recreation Facilities .. YES  NO

Types Provided:  OUTSIDE  IN

3. Educational Opportunity .. YES  NO

Types Offered:

## COMPLAINTS:

1. Are there justifiable complaints? .. YES  NO

2. Is Jail involved in Litigation? .. YES  NO

If YES, type:  Food

3. Is the Jail or Facility Racially Integrated? .. YES  NO

4. Is there a Current Grand Jury Report on the Jail? .. YES  NO

**INSPECTORS COMMENTS:**

## PUBLIC HEALTH INSPECTION

01-23-07 KITCHEN (99)

SWANSON COMMISSION USED

IT IS OBVIOUS THAT A GOOD CLEANING  
PROGRAM IS IN PLACE

JAIL LOOK GOOD!!!

Dee Ruff  
Inspector's Signature

**Inspector's Signature**

**Time of Completion**

**Copy Received By:**

\_\_\_\_\_  
SIGNATURE

32.1/1007

Office

**SIGNATURE**

Date \_\_\_\_\_

**Office**

Copy: State Fire Marshal

County Health Department

Page 3 of 3

**Exhibit 7**  
**Inmate Request Form dated 08/31/06 and 08/25/06**

## INMATE REQUEST FORM

DATE: 8/31/06  
NAME: Robert AllenTIME: 0700  
BOOKING# CELE# 41Please check ONLY ONE of the following:

<input type="checkbox"/> GRIEVANCE	<input type="checkbox"/> MEDICAL/ DENTAL
<input type="checkbox"/> APPEAL OF DISCIPLINARY	<input type="checkbox"/> PROPERTY
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> VISITATION
<input type="checkbox"/> CHARGES/ BOND INFORMATION	<input type="checkbox"/> MAIL
<input type="checkbox"/> MONEY INFORMATION	<input checked="" type="checkbox"/> OTHER

Briefly state your request then give to an officer

I need my Case # number  
you said you would give it to me today  
if i turn this Request form in

Thank you Kindly**DO NOT WRITE BELOW THIS LINE - FOR REPLY ONLY**


---

 OFFICER RECEIVING  
 REQUEST D. J. B. DATE: 8/31/06 TIME: 6:41 AM

The receiving officer will route all Inmate Request Forms to the appropriate supervisor or to administration for disposition.

ACTION TAKEN

DATE: 8/31/06 TIME: \_\_\_\_\_Charge: Theft of Property 1st \$20,000.00

Action taken by: \_\_\_\_\_

Signature

## INMATE REQUEST FORM

DATE: 8/25/06TIME: 11:24NAME: Robert Allen

BOOKING#

CELE# A-1

Please check ONLY ONE of the following:

<input type="checkbox"/> GRIEVANCE	<input type="checkbox"/> MEDICAL/ DENTAL
<input type="checkbox"/> APPEAL OF DISCIPLINARY	<input type="checkbox"/> PROPERTY
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> VISITATION
<input checked="" type="checkbox"/> CHARGES/ BOND INFORMATION	<input type="checkbox"/> MAIL
<input type="checkbox"/> MONEY INFORMATION	<input type="checkbox"/> OTHER

Briefly state your request then give to an officer

What Am i Charge with whether its A felony or misdemeanor i would like to know  
what charges Also I want to know what other state and local  
any Agency that has holds on me. And i need to know  
my case number. Thank you Kindly for your cooperation

DO NOT WRITE BELOW THIS LINE - FOR REPLY ONLY

OFFICER RECEIVING

REQUEST Cpl. D. Butler DATE: 8/24/06 TIME: 142

The receiving officer will route all Inmate Request Forms to the appropriate supervisor or to administration for disposition.

ACTION TAKEN

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Action taken by: \_\_\_\_\_

Signature